

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of August, 2011, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

Present: Cary, Gillette, Johnson, Nelson, Perrow, Foster

6

Absent: Helgeson

1

// Mayor Foster introduced the Interim Superintendent of Lynchburg Schools Dr. Larry A. Massie and the Chief Financial Officer of Schools Mr. Anthony E. Beckles to City Council.

// Planning Commission Chair Laura Hamilton provided a brief overview regarding the 8th Annual Report on the activities of the Planning Commission including the implementation of the City's Comprehensive Plan 2002-2020 for the fiscal year ending June 30, 2011. Ms. Hamilton explained that this report is also intended to supplement the plan by suggesting priorities as City Departments determine Capital Improvement Project (CIP) requests for existing and planned projects and that while approval of the Annual Report will encourage its use in the CIP and Budget development process, the report does not mandate new funds or projects. Council Member Perrow asked several questions regarding the 1978 Zoning Ordinance. Mayor Foster asked Council for approval and Council unanimously approved the 8th Annual Report.

// City Planner Tom Martin stated that on February 9, 2010, Council initiated amendments to the Zoning Ordinance related to institutions. Mr. Martin further stated that over the past seventeen months, the Planning Commission and City staff have worked with a group of stakeholders to draft ordinance revisions that would facilitate the development of the City's institutions without the need for obtaining a Conditional Use Permit (CUP), as is currently required. In developing the ordinance revisions, the creation of Institutional Overlay Districts, an Institutional Zoning District, removal of the CUP requirement and maintaining the existing CUP requirement were considered. Mr. Martin went on to say after review of other development review processes and ordinances, the Planning Commission directed staff to draft an Institutional Zoning District that would address common themes that resulted from early discussions with stakeholders:

1. Improvements that do not cause off-site impacts should be allowed by right.
2. Primary concern should be related to expansions or incremental growth that results in off-site impacts.
3. A definition of what a substantial impact requiring a more in depth review should be developed.
4. There should be flexibility in requirements for master plans. Planning beyond two years at best is speculative for institutions.
5. An ongoing dialogue between Institutions and the City should be developed.

During Council discussion, Council Member Perrow had a concern with Section 2 regarding the IN-1 and IN-2 of the Institutional Zoning Ordinance and suggested that this section be sent back to staff to continue with revisions. City Manager Payne gave a tentative schedule for the Public Hearing on Institutional Zoning Ordinance.

// Financial Services Director Donna Witt gave a report of the finances of the Greater Lynchburg Transit Company (GLTC). Ms. Witt stated that at the June 14, 2011 City Council meeting, staff reported that it would perform a full review of the FY 2011 operating budget. GLTC General Manager Michael Carroll provided information regarding the revised GLTC FY 12 operating budget. Mr. Carroll stated in order to stay within available funding, the GLTC Board has directed staff to revise its FY 12 budget and to take several steps to bring it into balance:

- Reduce travel, training, marketing and other services: \$39,324 savings
- Service reductions (including associated support service): \$549,234

The service reductions include a combination of the following:

- Elimination of Weekday Route 8/11 Tripper (extra bus in the morning and afternoons to provide 30 minute service instead of 60 minute service).
- Elimination of routes 9 and 10. Route 9 will be reduced to a morning and afternoon tripper service; Route 10 will be eliminated entirely. Route 10 provides service between the Plaza and Downtown. The Plaza and Downtown will continue to be served by Routes 1A, 1B, 3C and 3D.
- Elimination of Sunday service.
- Elimination of Night Service (Weeknights and Saturdays); all service would end at 7:00 P.M. instead of 10:00 P.M.
- Elimination of Routes 6 and 7 on Saturdays, and a one hour later start for Saturday service from 6:00 A.M. to 7:00 A.M.

Mr. Carroll went on to say that the Board chose these options because they affect the fewest customers (based upon boarding counts) and are the most expensive services that GLTC provides. Mr. Carroll further stated that the Board considered fare increases, but decided not to implement increases at this time.

// Information Technology Director Mike Goetz gave a summary on a request from nTelos to expand their cable television franchise area to allow them to provide cable television services to areas in the City beyond the Cornerstone neighborhood. Mr. Goetz stated that Council needs to be aware of this interest by nTelos as it is prepared to enter into negotiation regarding an expanded franchise which would be brought to Council for consideration at a later date. Mr. Goetz went on to say that any provisions in an nTelos franchise that were less restrictive than Comcast's franchise would have to be granted to Comcast as well.

// Vice Mayor Johnson left the meeting during Midtown Connector Phase I report.

// Engineering Project Manager J. P. Morris gave a summary on the Midtown Connector Phase I.

Mr. Morris further stated the report summarized the work that has been accomplished by City Staff and the consultant since June 2008.

// During roll call Council Member Cary had a concern with a water main break at Morrison Drive and Arrow Street. Council Member Cary asked the City Manager to look into this concern.

// City Council recessed the meeting at 6:30 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Cary, Gillette, Nelson, Perrow, Foster 5

Absent: Helgeson, Johnson 2

Council Member Gillette gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster received a contribution from Lynchburg Rotary Club for the new playground at Riverside Park. Mayor Foster thanked the Lynchburg Rotary Club as the newest partner for Riverside Park.

// Mayor Foster presented a Certificate of Recognition to employee Lynn M. Fox with Parks and Recreation for being honored by the Lynchburg College Belle Boone Bead Center on Aging with the 2011 Outstanding Contribution to Positive Aging Award given annually to a Region 2000 professional who has promoted positive aging in the community and makes an outstanding contribution to positive aging in this region.

// Copies of the minutes of the July 12, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Gillette, Nelson, Perrow, Foster 5

Noes: 0

Absent: Helgeson, Johnson 2

// In the matter of Police – General, Resolution #R-11-080 to amend the FY2012 General Fund budget and appropriate \$141,200 with resources from the FY 2011 Fund Balance to fund the implementation of an Additional Duties Bonus Program in the Lynchburg Police Department, laid over from the July 12, 2011 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Gillette, Nelson, Perrow, Foster 5

Noes: 0

Absent: Helgeson, Johnson 2

// In the matter of Economic Development – General, Resolution #R-11-088 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$100,000, with resources from the Commonwealth of Virginia's Governor's Opportunity Fund to provide Delta Star, Inc. with an incentive to expand its operation in Lynchburg, laid over from the July 12, 2011 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Gillette, Nelson, Perrow, Foster 5

Noes: 0

Absent: Helgeson, Johnson 2

// In the matter of Central Virginia Community Services, City Council Report # 10 was considered. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded

vote adopted Resolution #R-11-091, as presented, approving the Central Virginia Community Services FY 2012 Performance Contract:

Ayes: Cary, Gillette, Nelson, Perrow, Foster	5
Noes:	0
Absent: Helgeson, Johnson	2

// In the matter of Parks & Recreation – General, City Council Report # 11 was considered. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-11-092, as presented, in support of the final grant application for a Virginia Department of Conservation and Recreation, Recreational Trails Grant to rehabilitate and extend the Creekside Trail:

Ayes: Cary, Gillette, Nelson, Perrow, Foster	5
Noes:	0
Absent: Helgeson, Johnson	2

// In the matter of Fire – General, City Council Report #12 was considered. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-093, as presented, amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$23,000, fully reimbursable, to provide training and equipment for the Fire Department's Hazardous Materials team:

Ayes: Cary, Gillette, Nelson, Perrow, Foster	5
Noes:	0
Absent: Helgeson, Johnson	2

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #13 outlining the petition of GJJ of Lynchburg, LLC for a Conditional Use Permit (CUP) to allow fill in the one hundred (100)-year flood plain at 4010 Wards Road to facilitate future development of the property. City Planner Tom Martin gave a summary of the request and stated that the Planning Commission recommended approval of the zoning request. Warner Engineering Representative Trent Warner outlined the request and asked for Council approval. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow expressed concern that he did not like the flood plan. On motion of Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-11-094, as presented, granting the Conditional Use Permit:

Ayes: Cary, Gillette, Nelson, Foster	4
Noes: Perrow	1
Absent: Helgeson, Johnson	2

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 14 outlining the petition of Wyndhurst Counseling Center to amend the Future Land Use Map (FLUM) from Low Density Residential to Office and to rezone approximately one and one-half (1.5)

acres from R-1, Low Density Residential District to B-1, Limited Business District (Conditional) at 1001 Oakmont Circle to allow the use of the property for office uses. City Planner Tom Martin gave a summary of the request. Mr. Chuck Rodgers and Mr. Norm Walton, presenting the petition, stated the purpose of this petition is to allow the use of the existing building as a counseling office or other uses allowed in a B-1, Limited Business District. This counseling center provides services to both children and adults, including marriage counseling. The center's goal is to provide people with better stability in their homes. Several individuals spoke in opposition citing concerns with property values and an increase in traffic hazards. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Cary asked that Council table this item until Council Member Helgeson could be present since this request is in his ward. Council Member Cary made a motion, seconded by Council Member Gillette, to table this item until the September 27, 2011 Council meeting. After Council discussion, regarding tabling this item, Council Member Cary withdrew his motion and Council Member Perrow made a motion to approve the Future Land Use Map (FLUM) which died for lack of a second. Mayor Foster asked for a motion to deny this request, on motion made by Council Member Gillette, seconded by Council Member Nelson to deny amending the Future Land Use Map (FLUM) from Low Density Residential to Office and to rezone approximately one and one-half (1.5) acres from R-1, Low Density Residential District to B-1, Limited Business District (Conditional) at 1001 Oakmont Circle to allow the use of the property for office uses. Council by the following recorded vote denied the request:

Ayes: Cary, Gillette, Nelson, Foster	4
Noes: Perrow	1
Absent: Helgeson, Johnson	2

// In the matter of City Council, Rev. James E. Coleman, Jr. , representing the Multicultural Rib and Yam Riverfront Festival Steering Committee, spoke before Council regarding proclaiming Saturday, August 27, 2011 as Cultural Diversity and The Renaissance of Virginia University of Lynchburg Day in the Hill City. Rev. Coleman further requested that members of Council and other relevant city personnel be present to make presentations and share the support of our City government regarding issues of cultural diversity and empowering our communities through education.

// This item was withdrawn from the agenda at the request of Ms. Barbara Petit.

// In the matter of Registrar, City Council Report #17 was considered. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-095, as presented, amending the FY 2012 General Fund budget and appropriating \$13,929 with resources from the General Fund Reserve for Contingencies to provide supplemental funding to the Electoral Board/Registrar Office for estimated costs for the August 23, 2011, Republican Primary:

Ayes: Cary, Gillette, Nelson, Perrow, Foster	5
Noes:	0
Absent: Helgeson, Johnson	2

// In the matter of City Council, City Council Report # 18 was withdrawn from the agenda.

// On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote elected to hold a closed meeting to conduct performance evaluations of the City Manager, City Attorney and Clerk of Council, respectively, pursuant to Section 2.2-3711(A.) (1) of the Code of Virginia, 1950, as amended:

Ayes: Cary, Gillette, Nelson, Perrow, Foster 5

Noes: 0

Absent: Helgeson, Johnson 2

// The meeting was re-opened to the public.

// Council Member Gillette made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Cary, and Council by the following recorded vote adopted the motion:

Ayes: Cary, Gillette, Nelson, Perrow, Foster 5

Noes: 0

Absent: Helgeson, Johnson 2

// The meeting was adjourned at 10:07 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2011**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: Meeting with VDOT District Engineer Rob Cary re the Proposed Oddfellows Road Interchange at RT 460/29 and the Access Management Program Implementation on RT 460/29 Between Campbell Ave. and Concord Turnpike

RECOMMENDATION: No action required.

SUMMARY: VDOT's District Engineer for the Lynchburg District, Rob Cary, will attend Council's work session to brief Council and discuss two VDOT projects:

1. The proposed Oddfellows Road Interchange at RT 460/29
2. Access Management Program Implementation on RT 460/29 between Campbell Ave. and Concord Turnpike

Council Member Perrow asked that Council be briefed on these two matters and Council Member H. Cary also asked for a briefing on the second matter. Council Member Cary has provided the attached report and recommendations to Council regarding the access to and from RT 460/29.

PRIOR ACTION(S): VDOT District Engineer Rob Cary briefed Council on the planned access management project on RT 460/29 during its work session of March 9, 2011.

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): July 27, 2011 memo from Council Member Cary to Council.

REVIEWED BY: lkp

136L

07/27/2011 11:50 AM

Report: Tyreeanna concerns and recommendations

Hunsdon Cary III to: Joan Foster, joan.foster, ceasor.johnson, michael.gillette, randy.nelson, Turner Perrow, turner.perrow, Jeff Helgeson, Jeff.Helgeson

Cc: kpayne, bonnie.svrcek

Fellow Council Members and Kim & Bonnie:

You may recall receiving an e-mail from W. E. Clark III about six weeks ago regarding the impact of the VDOT changes to Rt. 460 (between Campbell Avenue and the new Rt. 29 bypass) on ingress/egress for residents in the Tyreeanna/Pleasant Valley neighborhood. Besides talking with me, Mr. Clark took me on an automobile tour of the area so that I could see, firsthand, what he was talking about. A few weeks later I returned to the area with my Canon EOS Rebel to take pictures (see attached or a separate e-mail if that's needed).

As background, VDOT has made changes along Rt. 460 linking the Rt 460/ Rt. 501 interchange [Campbell Avenue] with the new Rt. 29 Bypass around Lynchburg/Madison Hts/Amherst area. The 501/460 interchange is about 2.6 miles from the 460/new 29 bypass and his 2.6 mile passes Falwell Airport before it it ends just beyond Templeton's Market. The changes effectively close the pre-existing crossovers so you cannot easily go from east to west or vice-versa. Here are some of my observations:

1. With the exception of a newly constructed westbound lefthand turn crossover for Templeton's Market, all previous crossovers have been closed. (For instance, you can no longer cross to the eastbound lanes from Tyreeanna Road, you can only turn right onto 460 at that point.
2. A crossover for emergency vehicles ONLY has been constructed where Tyreeanna/Holcomb Path Road intersect 460.
3. At the "jug handle" going east on 460, there is a sign indicating the following: "to Concord Turnpike", "to "Tyreeanna Road", and a "Dept. of Agriculture Lab". There is no sign for Pleasant Valley Road. The same is true coming west: those same three are on a sign but none for Pleasant Valley Road. Pleasant Valley Road is the old 460 and a major road in the Tyreeanna area. We need to add a directional sign for Pleasant Valley Road at these locations.
4. Traveling west on 460, Tyreeanna Road is on your right but one of the 460 changes has eliminated the ability to turn right onto Tyreeanna Road! If you travel down Tyreeanna toward 460, you can turn right onto 460. Why VDOT eliminated the ability to turn right onto Tyreeanna is a mystery as the majority of accidents at that location had to do with the crossover that previously existed

(now closed). Interestingly, across 460 from Tyreeanna is Holcomb Path Road and vehicles can turn right onto Holcomb Path Rd and then, when exiting, turn right onto 460. A right turn is OK eastbound but not westbound...go figure!

Tyreeanna has a number of homes along it and one business, Deacon's Garage. I spoke with Deacon and he confirmed that it is really difficult for his customers to access his business. If they use 460 - east or west bound - they have to use Concord Turnpike to get to Tyreeanna Road. You've got to really know the area or really want to find Deacon's Garage to get there!

5. Another long time business on 460 is Truck Body Corp (across from Falwell Airport). While you can access it traveling west with no difficulty, it's more difficult from the east. One has to travel to the "jug handle" and make a left-hand turn and go west to get there..

6. VDOT did put a left hand turn lane on 460 westbound so Tyreeanna and others could cross over to Templeton's Market. That's good, but leaving they must go east to the "jug handle" or the crossover at Pleasant Valley Rd a mile or so down the road. While it's an inconvenience, it is safe.

7. If there is any one underlying theme it is this: access to businesses and homes along this 2.6 mile stretch of 460 has changed dramatically. I know VDOT put on public information sessions to educate and inform residents of Tyreeanna of the impact of the changes. That's all well and good, but it is difficult to visualize the impact of those changes until implemented. Tyreeanna was annexed back in 1975 or 1976, I believe, and its felt like a step-child ever since with the landfill & water treatment plant to the north and now the changes to 460 to the south. The fact that access to the Tyreeanna neighborhood is now limited just reenforces at feeling.

Mr. Clark's concerns are real and reflective of the reality of the VDOT changes. At the very least, I think City Council needs to do the following: (a) add signs for Pleasant Valley Road - see #3, above, (b) explore with VDOT the possibility of restoring a right hand turn onto Tyreeanna Road from 460 - see #4, above, and (c) work with the Lynchburg Fire Department & Campbell County to be sure Emergency Service crews know the location of the emergency crossover and understand the changes along 460 and how these impact their ability to reach needed destinations.

I'd be happy to answer any questions you might have and would appreciate Kim adding this subject to a future work session for discussion.

"H" "H" Cary

Lynchburg City Council Member (At-Large)

H. Cary III

h3cary@gmail.com

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2011**

AGENDA ITEM NO.: 2

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Report of the Lynchburg Parking Authority and the Parking Manager**

RECOMMENDATION: No action required.

SUMMARY: Representatives of the Lynchburg Parking Authority, including Chair Brandon Farmer and Vice Chair Ed Koepenick, along with Parking Manager Norman Hale, will be present at Council's work session to report on the progress of parking management in the central business district since endorsement of the Parking Strategic Plan in December of 2007.

While a reduction in downtown workforce provided temporary relief from some of the pressures identified in the Carl Walker study, downtown redevelopment has continued with the addition of new businesses and new residential units. Now, it appears that a major downtown employer is starting to hire again. Successful downtown revitalization was always going to raise issues of adequate parking; a reality that was recognized in the Sasaki Downtown and Riverfront Master plan adopted by City Council over ten years ago. Such issues are becoming increasingly apparent and the Parking Authority feels that in order to adequately address the growing issues it is now time to consider the linkage between on-street and off-street parking in a holistic approach to downtown parking management.

Parking Manager Norman Hale has provided the attached memorandum as background for a discussion regarding the next steps in parking management. The issues identified in the memorandum have been discussed with the Parking Authority and the Parking Authority would like Council to consider empowering it with the authority to address on-street parking along with its current responsibility for off-street parking. The Parking Authority recognizes that simply proposing to build more off-street parking facilities to address the pressures would not be fiscally responsible. Making the best use of off-street parking facilities, as is pointed out in the Walker study, is intrinsically dependent on the proper management of on-street parking.

Because of the misinformation, confusion, and concern that often accompany proposals related to parking management, it was felt that starting a conversation with City Council about the Parking Authority's progress and plans was an important step.

PRIOR ACTION(S): December 11, 2007; Council endorsed the Parking Strategic Plan.

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990; Norman Hale, 4554240

ATTACHMENT(S): September 7, 2011 memo from Parking Manager Norman Hale; Excerpt (Executive Summary) of the Parking Strategic Plan (The full plan can be accessed at <http://www.lynchburgva.gov/Modules/ShowDocument.aspx?documentid=12618>)

REVIEWED BY: lkp

138L



MEMORANDUM

TO: City Council

FROM: Norman Hale, Parking Manager

DATE: September 7, 2011

SUBJ: **City of Lynchburg Parking Report**

Over the last two years Downtown Lynchburg has experienced an increase in development. New businesses are opening, businesses are relocating and new residents are moving downtown.

On-street parking spaces are for short term use by the public in order to support the businesses downtown. One way to insure that the wide variety of on-street parking space users have access to parking during the day is to manage parking by installing on-street parking meters. This is one of the key recommendations in the Walker Strategic Parking Plan which was endorsed by City Council.

The following is a list of parking concerns and issues in the Central Business district:

Parking Hot Spots

- Court Street 12th to 5th - (parking demands are increasing; residential on-street parking issues)
- Church Street 5th to 8th - (residential on-street parking issues)
- Main Street 11th to 13th - (parking demands have increased on Main St from 10th to 13th Streets)
- 9th Street between Church & Jefferson - (increased on-street demands)
- Depot Grille Parking Lots J and M - (increased off-street demands)
- Commerce Street between 11th & 13th Streets - (experiencing an increase in demand for on-street and off-street parking)

Court Street On-street parking

The following identifies public-owned entities that depend on on-street parking spaces. These spaces are being utilized by residents and visitors, including the general public, who access Courts, Lynchburg City School Administrative Offices, Police Department divisions, museums, and other businesses that are located on Court Street. The purpose of public on-street parking spaces is to support businesses.

Court Street parking spaces are controlled by time limit signs and a number of the spaces are occupied by employees and business owners who work on Court Street. Case studies from other Cities with 1 and 2 hour time limit controls have realized that this procedure leaves a large loop hole for parkers to park their vehicles on-street and move them repeatedly to avoid tickets. **This action results in fewer short-term parking spaces for public use such as those persons who are attending court, conducting other business, and visiting various locations on Court Street.** Turning over on-street parking spaces is critical for the support of current businesses and the continued economic development for the entire Central Business District.

Employees and business owners taking up valuable on-street parking for long periods is a direct conflict with the purpose for on-street parking spaces. **The recommended option to insure that some short term public parking is available at all times is to install on-street meters/pay stations. The meters may be programmed to increase parking rates after the first hour or two. Parkers needing more than two hours of time may choose to pay the higher rate for parking on-street, seek off-street parking at a lower hourly rate or purchase a monthly permit.**

➤ **Court Street Off-street facilities**

Due to the increase for parking on Court Street, the City of Lynchburg took steps in November 2008 to improve the management and allocation of off-street parking. The City owned parking deck (Clay Street Parking Deck) has 374 parking spaces. The contractual agreement states that the City must provide 50 spaces for parking at any time after receiving a 24 hour notice from Holy Cross Church to be used by the church. This leaves a balance of 324 spaces that are available for use.

124 spaces are designated for Public Safety parking only on the lower level. The middle level has 125 spaces (50 spaces-Holy Cross), which leaves a total of 75 spaces for public use at all times. The top level has 125 spaces that are designated for City employees, School and Court parking. **There are 333 permits issued to City, School and Court/State employees, which leaves a deficit of 33 parking spaces (the actual deficit is 208 spaces, however, a portion of the deficit has been addressed through leasing lots C & D).** Some employees pay to park in other public or private parking facilities.

In 2010, the Juvenile and Domestic Relations Court opened on Court Street causing the parking demands to increase and no parking was added on Court Street to address or support public parking needs.

➤ **Main Street**

The number of parking challenges that the Central Business District faces has increased along with the parking demand. Demands on Main Street have increased within the last 18 months due to continued development downtown, new residents, and expanding businesses. The need has increased for both on and off-street parking spaces in the area from 11th and Main Streets to 13th Street because five new businesses have opened over

the last 24 months. There are currently two City of Lynchburg owned public parking facilities located on Main Street between 11th and 13th Streets.

The Community Market parking lot has a total of 74 spaces to support the activity of the Market. Changes were recently made converting the Community Market parking lot into two hour parking and permit parking spaces. This has addressed some of the parking demands in the area however there still remains a shortage of daily short term and long term public parking. The overall increased activity between 11th and 13th Streets on Main has caused a shift in the parking needs of that area to include residential and parking for more than two hours.

Parking Lot E is located at 1310 Main Street and has a total of 54 parking spaces. Twenty (20) of these spaces are used by the Central Virginia Criminal Justice Training Academy, and the remaining 34 parking spaces are free to be used by the public. The parking demand in this facility is continuing to increase, even during the evening and weekend hours because parking is needed for more than two hours.

Long term daily/monthly parking for the Central Virginia Criminal Justice Training Academy, business owners and employees of area businesses has risen and it is essential that public parking opportunities be maximized on and off-street to support the continued growth and development of these downtown businesses.

During normal business hours between **8:00 am to 5:00 pm Monday through Friday** there is a need for more short-term (less than 2 hour limit) parking spaces which will support visitors, shoppers and others who come downtown to conduct business. Parking is free every day after 5:00pm on-street and off-street, and it is also free on weekends and Holidays.

➤ **Commerce Street**

Parking on Commerce Street has increased due to new businesses opening and expanding. Activity in this area is expected to increase as proposed developmental projects commence and the need for on and off-street parking on Commerce, especially from 11th to 13th Streets is growing. The City is currently leasing two parking lots, C & D, which are located at 1110 Commerce Street. Lot C has approximately 40 spaces that are currently being occupied by City employees. Lot D has 80 spaces, 60 of these spaces have been designated for the Central Virginia Criminal Justice Training Academy. Of the remaining 20 spaces, 13 spaces have been issued parking permits, this leaves a balance of 7 available spaces in Lot D. The City receives several weekly requests for parking permits in lots C & D.

Parking Management off-street Parking Projects Task List

The following is a list of completed tasks related to the implementation and management of off-street parking. These key recommendations are also identified in the Walker Strategic Parking Plan that was endorsed by City Council on December 11, 2007.

1. Create downtown parking map- **Complete**

2. Design a parking brochure- **Complete**
3. Discontinue assigned parking/replace with permit parking- **Complete**
4. Develop a city parking web page- **Complete**
5. Review of the city's parking leases/agreements- **Complete**
6. Create an off-street residential parking program in the (CBD)-**Complete**
7. Increase off-street public parking inventory in Lots C & D-**Complete**
8. Create off-Street parking space inventory-**Complete**
9. Implement off-street paid parking (as a pilot program)-**Complete**
10. Implement off-street paid parking (as recommended in the City's Strategic Parking Plan) by installing pay stations in the Mid-Town and Clay Street Parking Decks- **Complete**

The bulleted points below suggest several incentives for installing on-street parking meters/pay stations as recommended in the Walker Strategic Parking Plan. The City should consider this option for the Central Business District area because such a high demand exists for short-term parking spaces.

- Provides an incentive for downtown employees to seek off-street parking alternatives and leave valuable parking for downtown customers and visitors.
- Placing a cost on curbside parking will provide a financial incentive for private property owners to make hourly and monthly paid parking available to the general public. This would encourage those who park on the street all day to seek off-street alternative parking.
- Private parking facility owners will offer their parking spaces to the public, increasing the number of available parking spaces. This creates more opportunities for current retail businesses, encourages more developments and invites more visitors and residents to the area.
- Parking enforcement procedures can be implemented to provide an initial "free" period (15-30 minutes) that would allow for quick "pick-up" stops without having to pay. This can ease concerns about implementing metered parking until the positive effects of a properly functioning system become apparent.
- Employees and downtown residents will have more off-street parking options, on-street parking would be available for customers and visitors between the hours of 8:00 am to 5:00 pm Monday through Friday, all other times parking would be free.

Columbia University economist and Nobel Laureate William Vickrey published several articles on parking, and in 1954 explained why time limits are an inefficient way to manage parking spaces. Time limits are not only inefficient but also difficult to enforce. Surveys often show that more than half of all cars parked in zones with time-limited free parking either violate the time limit or are in an illegal space. In Seattle, a study of on-street parking in 35 areas found that the average parking duration in spaces with a one-hour time limit was 2.1 hours. Even if they don't violate the time limits, drivers can attempt to evade them by moving their cars regularly, which is something that our enforcement officers deal with on a daily basis.

Implementing on-street paid parking with no time limits and rates that increase after the first hour or two will create an opportunity for the parking user to choose between on or off-street parking. On-street paid parking will also support current business and

economic development downtown while accommodating and promoting area businesses, visitors and shoppers.

CC: Lynchburg Parking Authority

City of Lynchburg

PARKING STRATEGIC PLAN (excerpt)

September 14, 2007

EXECUTIVE SUMMARY

The City of Lynchburg engaged **Carl Walker, Inc.** to conduct a study of current parking conditions in Downtown Lynchburg and develop a strategic parking plan to assist the City in planning for its future parking needs. The basic charge to the study team was to:

- Assess current parking conditions and sufficiency.
- Examine the impact of future development plans.
- Assess prospective locations for the development of future parking capacity.

During the course of the data collection and analysis, the study team identified significant problems within the parking market that need to be addressed - some that go beyond the issue of parking capacity. Although outside the scope of this engagement, those issues have been addressed and specific recommendations have been developed to move Downtown Lynchburg in a new direction.

CURRENT CONDITIONS

Downtown Lynchburg has experienced an increase in development activity during the past several years and plans are in place for significant public improvements that center on dramatic new features and enhancements in the riverfront area. The Lynchburg Downtown and Riverfront Master Plan envisions a Riverfront Park that takes advantage of the natural features of the riverfront area. Upper and Lower Bluff Walks are planned at both the Jefferson Street level (Lower Bluff Walk) and the Jefferson Street level (Upper Bluff Walk) with overlooks that will offer dramatic views of the park and river beyond. The Master Plan also envisions significant residential development along Jefferson, positioned to take advantage of open views to the park.

Parking

New development, particularly in the area of the 9th Street access, has already created a greater sensitivity to parking availability. It has also created competition for parking resources between a growing residential sector and existing businesses that depend on that parking for their customers. A turnover analysis conducted as part of this study confirmed that 33% of on-street parkers occupied 2-hour spaces for more than 2 hours (including those who relocated to other nearby spaces) and that those parkers consumed 67% of the parking time used in occupied on-street spaces. This takes away

much of the most valuable parking space in the system – parking that should be available to downtown visitors and customers.

The parking system lacks important components that are needed to accommodate essential downtown parking needs.

- Although the City provides 2 hours of free on-street parking in all areas of the downtown, there are no options for parking stays longer than 2 hours.
- There is no paid all-day parking available for employees who do not need monthly contract parking.
- The major provider of monthly contract parking in private facilities does not offer monthly contracts to individuals, only to businesses. As a result, visitors, shoppers or diners who need to park for more than 2 hours have no options. Employees, whose employers do not provide employee parking, have few, if any options. Consequently, normal business visitor and shopper traffic depends solely on on-street parking and employees, with the limited options available to them, compete for that space.

These are unhealthy conditions, but they can be remedied.

Peak parking occupancy in the downtown area was **53%** at the time of field surveys conducted for this study. This is not unusual, but would be considered at the lower end of the scale for active cities. The general perception is that parking is more difficult to find than this low occupancy level would indicate.

If only publicly accessible parking is considered, that perception is closer to reality. Much of the parking capacity in Downtown Lynchburg is simply not available to the general public. Hourly paid parking is non-existent. Another exception is an area centered on the Genworth Financial building where occupancy was measured at 80% on two blocks and more than 70% on four other nearby blocks.

Normally, an occupancy level of 70% would translate into a reasonable level of parking sufficiency. In Lynchburg, however, the lack of publicly accessible parking is compounded by the prevailing management practice of assigning monthly contract parking as individually reserved spaces. This practice further reduces the "effective capacity" that is actually available. When the person assigned to a reserved space is absent, it cannot be used by anyone else. It sits empty – a waste of resources.

KEY RECOMMENDATIONS

It is recommended that the City...

1) Convert on-street parking in Downtown Lynchburg to paid parking with the installation of full featured electronic parking meters to reduce employee parking in on-street spaces and to establish a financial incentive for the creation of private paid parking opportunities. The meters should include the following features:

a) They should include a "complimentary" feature that allows parkers to park for a short time (e.g. 30 minutes) without charge – for quick stops, pick-ups and non-commercial deliveries.

b) They should be able to accept pre-paid meter cards as a convenience for those who do business or shop downtown on a regular basis.

c) They should be programmable to automatically allow extended parking times and different rates in the evening and on weekends.

Meters would be phased in, beginning with Main Street and progressing outward in one-block increments as the program is put into place.

2) Discontinue the practice of offering individually reserved spaces at parking facilities controlled by the City and, in the case of the Midtown Garage, assign monthly contract parking by level only. This will allow more parkers to be accommodated and generate more revenue for the City.

3) Develop a plan to carry forward the other recommendations detailed in the supplementary report for the Midtown Garage related primarily to facility identification, maintenance and remedy of ADA obstacles.

4) Expand the role of the **Lynchburg Parking Authority** in providing both on-street and off-street parking to the public:

a) Management of the on-street system should be placed with the Authority.

b) On-street parking revenues should be used to purchase a handheld on-street parking management system to improve efficiency and provide more data than is available now.

c) The City should consider placing responsibility for all of the City's public parking facilities with the Authority. The Authority can take on direct operating responsibility or it can contract day-to-day operations of specific facilities to a professional parking management firm or other subcontractor. If the Authority engages another organization to manage any of the City's facilities, under contract, the Authority should maintain ultimate control of operating policies, practices and rates, setting high standards of service.

d) The Authority should seek to identify privately owned parking lots or garages with surplus parking capacity and enter in management contracts with the owners to bring that excess capacity into the public market in order to provide additional hourly, daily and monthly parking as well as contract parking that is available to individuals.

(1) The Authority would not enter into leases that would involve any financial commitment to the owner. Instead, the Authority would provide the improvements and equipment to establish paid parking at the location and, after those set-up costs have been covered, revenues would be shared with the owner. Risk to the Authority and to the owner is minimal.

(2) To protect their interests and provide an incentive for participation, owners would retain control of their properties and the number of spaces available for public parking.

e) If the role of the Authority is expanded as proposed, and the Authority takes on direct operating responsibility, it should hire a manager dedicated to development and management of the Authority's parking program.

f) A parking availability webpage can be created as part of a Lynchburg Parking Authority website linked to the City of Lynchburg website. The webpage can be interactive, with several examples presently in operation in other cities, including Atlanta and Charlotte.

5) Look for opportunities to encourage or, if necessary, subsidize the development of excess parking capacity in new private developments that can be used to increase available public parking. The Lynchburg Parking Authority can provide management services for that public component of a private parking facility.

6) Establish parking minimums for new residential development in order to prevent the erosion of parking capacity needed to support the essential business core of Downtown Lynchburg.

7) Act as a consolidator of land and funds for development of larger, efficient parking facilities to serve the needs of multiple small developers who, individually, would not be able to create those facilities.

a) Identify appropriate sites in areas of coming development that can be land-banked for future parking development – sites that are well positioned to serve the new development and have sufficient dimensions to accommodate an efficient design.

b) Establish an "In Lieu" fee program to give residential developers the opportunity to have parking requirements waived in exchange for contributing to a common parking development fund administered by the City or the Lynchburg Parking Authority.

c) Provide an opportunity for developers (without specific parking requirements per the zoning ordinance) to voluntarily secure parking in a shared facility in order to satisfy their needs and the requirements set by their lenders. This will encourage development of properties that cannot accommodate parking on-site.

8) Provide the information about parking capacities and parking availability that was developed as part of this study process to those involved in promoting downtown development. Assign staff to keep that information updated on a regular basis.

9) Initiate a full site feasibility analysis for development of a new 300-500 space (net gain) parking structure on the north half (or more) of the Human Resources block at 9th and Jefferson Streets. Follow a successful site feasibility analysis with a financial feasibility analysis as a precursor to a decision to proceed with design development.

a) This location would provide new capacity needed for existing land uses and new developments expected in this area.

b) It will also provide support for the new Riverfront developments, including visitor and retail traffic that will be developed along Jefferson Street.

10) Secure the property (current underutilized surface parking lot) located on the southwest corner of 12th and Commerce Streets and develop that property as a quality surface parking lot to serve the planned BluffWalk development, the City Market, other

nearby retail businesses and, with access provided by the proposed elevator to Jefferson Street, for visitors to the east section of the Riverfront Park area.

a) Timing for development of this lot would depend on

(1) development of Upper BluffWalk

(2) start of construction on the proposed public parking structure at 9th and Jefferson

(3) demolition of the adjacent private parking garage

11) Review provisions for ADA parking throughout the city, focusing on City-owned facilities and on street parking. Pay particular attention to obstructions and slopes that may use of the parking spaces difficult or unsafe. Engage the disabled community in evaluating existing parking provisions and solutions, particularly where a compromise of broad standards may provide a more practical and safer solution.

It is the opinion of the study team that these measures will begin important changes that are needed in Downtown Lynchburg as it moves forward with its plans to create a more attractive living and working environment and to enhance Downtown Lynchburg as a regional destination with unique riverfront attractions and unique shopping opportunities. Without these changes, future efforts by the City to provide sufficient parking support by focusing exclusively on capacity expansion will involve unnecessary capital expenditures with results that will still fall short of what is needed to provide convenient and efficient parking.

Carl Walker, Inc.

September 14, 2007

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2011**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Staff Stormwater Recommendations**

RECOMMENDATION: Approve staff recommendations on:

1. Level of service
2. Funding and billing mechanisms
3. Billing rate
4. Credit program
5. Schedule for public hearing on stormwater utility

SUMMARY: Utilities Director, Tim Mitchell and Utility Engineer, Jim Talian will present staff recommendations on level of service, funding and billing mechanisms, billing rate, and credit program to Council for its consideration and approval.

PRIOR ACTION(S): July 13, 2010 Council Work Session presentation.
September 28, 2010 Council Work Session presentation.
December 14, 2010 Council Work Session update (document only).
January 25, 2011 Council Work Session presentation.
February 8, 2011 Council Work Session presentation.
April 26, 2011 Council Work Session presentation.

FISCAL IMPACT: Depends on the action taken by Council. Potential impacts to the General Fund will be explained during the presentation.

CONTACT(S): Tim Mitchell, 455-4252; Jim Talian, 455-3953

ATTACHMENT(S): 1. Stormwater Presentation
2. Draft stormwater utility ordinance

REVIEWED BY: lkp



City of Lynchburg

Stormwater Management

City Council Presentation

September 13, 2011



Guiding Principles



1. Provide services that promote the health, safety and prosperity of the city
2. Manage the city's stormwater needs and infrastructure effectively and efficiently
3. Comply with environmental regulations
4. Engage State and Federal regulators to keep the city well-positioned on future issues
5. Fairly and equitably charge for services provided
6. Educate and engage the public

Assumptions



1. **Stormwater Infrastructure will be adequately maintained**
2. **Continued compliance with State and Federal Stormwater regulations and requirements**
3. **Willingness to consider moving to a fee based system**

Council Decision Points



1. How do we fund increasing stormwater needs?
If a fee is approved then:
2. How and who do we bill?
3. What level of service do we establish and how much is the corresponding bill?
4. A credit program is required for non-residential: Do we include a residential credit program?

Why Now? - Logistics



- Need to begin building FY 2013 budget – significant General Fund impacts depending upon outcome
- If a fee, then time is needed to implement a billing mechanism and establish the program

Why Now? - Needs



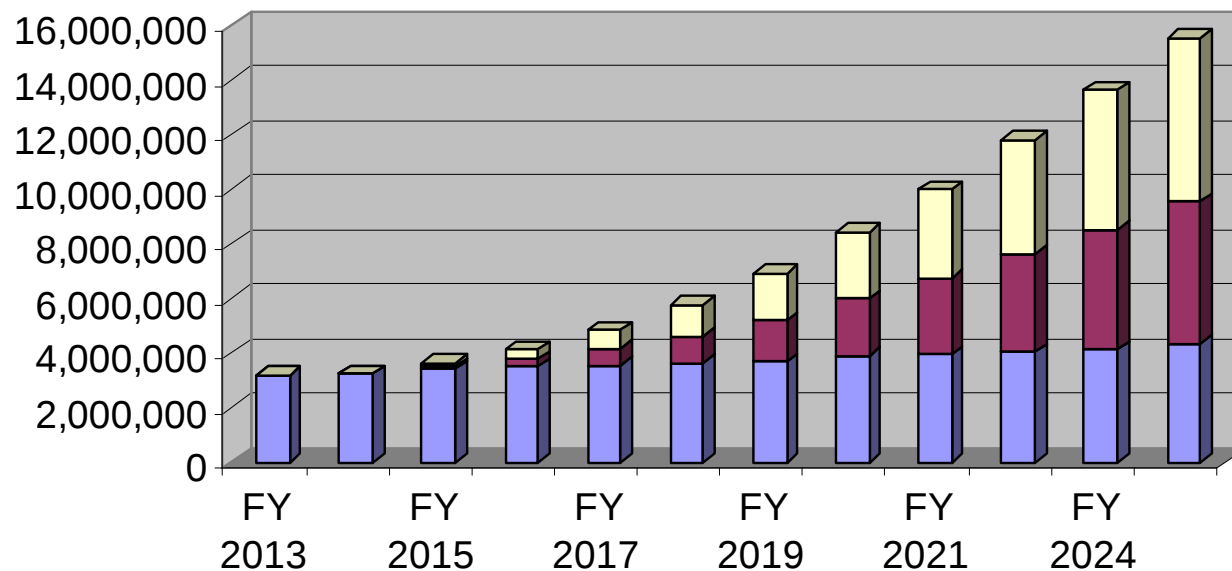
Increasing costs associated with:

- New Stormwater Regulations – impacts new development, increases administrative burden
- Chesapeake Bay TMDL Impacts
- Federal Stormwater Regulations
- Existing Stormwater Infrastructure Maintenance
- New Stormwater Quality Device Maintenance

Increasing Stormwater Costs



PROJECTED STORMWATER EXPENSES



Existing O&M w/o Bay O&M Bay Related Debt Service Bay Related

**Assumes: \$120 million capital expenditures, 4% capital financing,
and no trading benefits**

Why Now? - Opportunities



- **VCWRLF (Revolving Loan) – Low cost capital opportunities with priority given to communities with dedicated stormwater funding. (Similar to CSO)**
 - Possible 0% interest loans
 - Possible principle forgiveness
- **Increases opportunities for trading, overall reducing costs**
- **Better able to address existing stormwater infrastructure needs**

Regulatory Update



- **Chesapeake Bay**
 - Phase II of the Watershed Implementation Plan for the Chesapeake Bay TMDL is underway
 - Still Multiple Issues with the Model
 - Must be Finalized by March 30, 2012
 - We can take Credit for New Stormwater Quality Features
- **Virginia Stormwater Regulations**
 - Essentially Complete
 - Local Programs must be in place no later than July, 2014
- **Stormwater Permit**
 - Expires in 2013, New Permit will Reflect Additional Bay Requirements

Public Outreach Efforts



- Involved Multiple Stakeholders Through the SWAC Process
- Various Stormwater Articles Published in the City Source
- Interviews on Local Talk Radio Station
- Live Interactive LTV and Webcast + Rebroadcasts
- Various Newspaper Articles
- Various LTV Shows Related to Stormwater

Previous Recommendations



Level of Service	\$3.2 million per year	
	<u>Option A</u>	Option B
Funding Mechanism	Fee or any combination of <u>Fee/VDOT</u> /General Fund	General Fund-Increase Real Estate Tax or keep equal to current rate
Basis of Charge	<u>Impervious Area</u>	Property Value
Tax Exempt Properties Included?	<u>Yes</u>	No
Enterprise Fund Required?	<u>Yes</u>	No
Who To Bill?	<u>Property Owner</u> or Tenant	Property Owner
How To Bill?	<u>Water/Sewer Bill</u> Real Estate Bill Separate Bill	Real Estate Bill
Financial Policy Required?	<u>Yes</u>	No
Ordinance Required?	<u>Yes</u>	No
Credits Allowed?	<u>Yes</u>	No

\$3.2 Million Level of Service



Staff's recommendation

	Actual FY 2012	Recommended FY 2013
Revenues:		
General fund	\$ 1,644,000	\$ -
Stormwater fees	\$ -	\$ 2,544,000
VDOT reimbursements	\$ 656,000	\$ 656,000
TOTAL:	\$ 2,300,000	\$ *3,200,000

***Note: Assumes a \$4 per month fee for a typical household. Actual revenues may be somewhat less due to credit program and uncollectables**

Additional Expenses



• Increasing O&M expenses	\$175,000
• Current MS4 permit requirements	\$125,000
– Buffer Program	
– GIS Analysis	
– Private BMP Program	
– Restore street sweeping effort	
– IDDE enhancements	
• Existing infrastructure priority needs	\$250,000
• Master Planning (multi-year effort)	\$150,000
• Stormwater Utility startup	<u>\$225,000</u>
	\$900,000

Funding Mechanism



Staff's recommendation is to proceed to a Public Hearing to for the purpose of establishing a fee

- Fee is more equitable
- Additional revenues are needed to meet existing stormwater needs, regardless of new regulatory requirements
- Frees up \$1.6 million in General Fund plus eliminates the need to seek additional funding from the General Fund in FY 2013

Billing Options



1. Add to Water and Sewer Bill - bill property owner
2. Add to Water and Sewer Bill - bill current water customer (Owner or Tenant)
3. Add to the Real Estate Bill
4. Create Separate Bill

Billing Discussion



1. Water and Sewer Bill – Property Owners
 - Billing the party who can affect change/apply for credits
 - 12 monthly bills – more manageable
 - Other benefits in Utility Billing operations
 - Most cost effective - > \$100,000 / year savings
 - Easier to collect
2. Water and Sewer Bill – Current Water Customers
 - 12 monthly bills – more manageable
 - Cost neutral
 - Easier to collect

Billing Discussion



3. Add to Real Estate Bill

- Billing the party who can affect change/apply for credits
- Billed four times a year: October, December, February, April
- Bills higher because of less frequent bills
- Can be included in escrow
- More difficult to collect

4. Separate Bill – Property Owners

- Billing the party who can affect change/apply for credits
- 12 monthly bills – more manageable
- Most costly to administer > \$120,000 annually in additional costs
- Very difficult to collect

Billing Recommendation



Staff's recommendation: Option #1 - Bill Owner on Water and Sewer Bill

- Finance-Billings and Collections-Utility Billing recommends changing from owner, occupant or tenant billing to all sewer/water/storm billing to owners as recorded on the City's Real Estate Records

Advantages:

- Utility Billing maintains and manages all billing records for water, sewer and stormwater utility funds
- Greater than \$100,000 Administrative Cost Savings can be realized

Second choice is Option #2- Bill current water customer

Discussion – Billing



- **How Much Do We Charge?**
 - \$3 per month per SFU would generate approximately \$1.9 million annually
 - \$4 per month per SFU would generate approximately \$2.5 million annually
- **Staff recommendation is that we charge \$4 per month per SFU?**
 - Approximately meets the desired level of service
 - Current level of funding is not adequate to meet existing needs
 - Any additional revenue generated beyond immediate budget needs would go to a capital reserve

Fee Structure Overview



Tier 1



< 1,293 Sq. Ft. = 0.5 SFU

Tier 2



1,294 to 4,256 Sq. Ft. = 1.0 SFU

Tier 3



> 4,257 Sq. Ft. = 1.6 SFU

The Average Single-Family Residential Unit (SFU) in Lynchburg is 2,672 sq. ft.

Fee Structure Overview



Other Residential Units

- Duplex = 0.5 SFU
- Triplex, Quadplex, Mobile Homes = 0.7 SFU
- Condominiums and Townhomes = 0.33 SFU
- Apartments based on actual impervious area
- Commercial, Industrial, and Institutional based on actual impervious area

Credit Program – Non-Residential



Types of Devices Eligible for Credits

- Rainwater Harvesting
- Rain Gardens
- Pervious Pavement
- Vegetated Filter Strips
- Engineered Swales
- Filtration
- Constructed Wetland
- Green Roof
- Wet Pond

Maximum Credit 50%

Credit Program - Residential



Types of Devices Eligible for Credits

- Rain Barrels
- Rain Gardens
- Pervious Pavement
- Vegetated Filter Strips

Maximum Credit 50%

Credits - Recommendation



Staff recommends that we include a residential credit program

- Encourages practices that benefit water quality
- Creates educational opportunities
- Enables citizens to reduce their fees
- May create additional administrative work
- If a lot participate may affect future rates

Summary – Staff recommendations



1. Proceed to a Public Hearing – If approved then:
2. Establish a \$3.2 million/year level of service for FY 2013
3. Set the residential SFU Fee at \$4 per month
4. Bill the property owners on the water and sewer bill
5. Create a credit program and including residential

Staff Recommended Next Steps



Conduct a Public Hearing on October 25, 2011

If the Ordinance is Approved then:

1. Staff will develop a credit program with involvement from SWAC Members who want to participate
2. Present Credit Program to Council for approval by February, 2012
3. Develop a comprehensive Stormwater Budget that will be included in the budget process
4. Implement a fee and credit program July 1, 2012

Discussion



ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO CHAPTER 16.3 CONTAINING SECTIONS NUMBERED 16.3-1 THROUGH 16.3-11, THE NEW CHAPTER AND SECTIONS RELATING TO THE REGULATION OF STORMWATER WITHIN THE CITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Chapter 16.3, containing sections numbered 16.3-1 through 16.3-11 as follows:

Chapter 16.3 – Stormwater Utility

Sec. 16.3–1. Purpose.

Sec. 16.3–2. Authority.

Sec. 16.3–3. Definitions.

Sec. 16.3–4. Establishment of stormwater utility and enterprise fund.

Sec. 16.3–5. Assessment of utility fee.

Sec. 16.3–6. Billing, payment and penalties.

Sec. 16.3–7. Adjustments of fees and exemptions.

Sec. 16.3–8. Appeal.

Sec. 16.3–9. Limitations of responsibility.

Sec. 16.3–10. Conflict and severability.

Sec. 16.3–11. Right to enter property.

Secs. 16.3–12 through 16.3 – 19. Reserved.

Sec. 16.2-1. Purpose.

The purpose of this chapter is to create a stormwater utility and enterprise fund to manage and fund the planning, design, monitoring, operation, maintenance and construction of the stormwater system in the City of Lynchburg, both to meet requirements of the city's National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit and new federal and state regulations to address identified water quality and flood event needs. The elements of the city's stormwater infrastructure provide benefit and service to properties within the city through direct protection of property and through control of flooding of critical components of the infrastructure and protection of the city's natural environment. Stormwater runoff is associated with all improved properties in the city, whether residential or nonresidential, and the individual property impacts of runoff are correlated to the amount of impervious surface area on the property and land-disturbing activities on property. This runoff contributes to non-point source pollution to the streams of the city's watersheds and a stormwater utility can help reduce this type of pollution. Therefore, the costs of the stormwater utility shall be

allocated, to the extent practicable, to all property owners based on their impact on the stormwater system.

Sec. 16.3-2. Authority.

The city is authorized by the provisions of Code of Virginia, § 15.2-100 et seq., specifically § 15.2-2114, and the Constitution of the Commonwealth of Virginia to construct, reconstruct, improve and extend the stormwater system; establish and impose stormwater utility charges; and to issue bonds and other debts as needed to finance in whole or in part the costs of the system and to establish rents, fees and charges for the services and facilities provided by the system.

Sec. 16.3-3. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- (1) “Developed property” means real property that has been altered from its "natural" state by the addition of any improvements such as buildings, structures and other impervious surfaces. For new construction, property shall be considered developed pursuant to this section upon issuance of the certificate of occupancy (CO), temporary CO or equivalent.
- (2) “Developed detached single-family residential property” means a developed lot or parcel containing one (1) residence or dwelling unit, and accessory uses related to but subordinate to the purpose of providing permanent dwelling facilities.
- (3) “Developed multi-family residential property” means developed property containing more than one (1) residence or dwelling unit, and accessory uses related to but subordinate to the purpose of providing permanent dwelling facilities. Such property shall include duplexes, triplexes, quadruplexes, townhomes, apartments, condominiums and mobile homes.
- (4) “Developed nonresidential property” means developed property which does not serve a primary purpose of providing permanent dwelling units. Such property shall include, but not be limited to, commercial properties, industrial properties, parking lots, recreational and cultural facilities, hotels, offices, hospitals, institutions, schools and churches.
- (5) “Impervious surface area” means a man-made surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious cover includes, but is not limited to, roofs, buildings, concrete, asphalt, gravel surfaces that are or may become compacted, or managed or artificial turf athletic fields that have an underdrain system.

(6) “Revenues” means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of monies in any fund or account and any amounts contributed by the city, fees-in-lieu-of provided by developers or individual residents and the proceeds from sale of bonds.

(7) “Single-family unit” or “SFU” means the equivalent impervious area of a detached single-family residential developed property per dwelling unit located within the city based on the statistical average horizontal impervious area of this residence in the city. SFU value in square feet of impervious surface area will be established by city council resolution.

(8) “SFU rate” means the utility fee charged on a single-family unit.

(9) “Stormwater system” or “system” means the stormwater infrastructure and equipment of the city and all improvements thereto for stormwater control in the city. Infrastructure and equipment shall include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilation stations, and other plants, structures and real and personal property used for support of the system. The system does not include privately owned ditches, drainage systems or stormwater systems, unless otherwise explicitly stated by written agreement with the city.

(10) “Stormwater utility” or “utility” means the enterprise fund created by this section to operate, maintain and improve the city's stormwater system.

(11) “Undeveloped property” means any parcel which has not been altered from its natural state to disturb or alter the topography or soils on the property in a manner which substantially reduces the rate of infiltration of stormwater into the earth.

(12) “Utility fees” means any permit or local program fees as allowed by State Code, and the monthly service charges based on the SFU rate applied to property owners, including condominium unit owners, of developed residential property, developed multi-family residential property and developed nonresidential property, all as more fully described in sub-paragraph (4) of this section.

Sec. 16.3-4. Establishment of a stormwater utility and enterprise fund.

(a) There is hereby established a stormwater utility to be known as the City of Lynchburg Stormwater Utility, which shall be under the administration of the director of utilities and responsible for the stormwater services throughout the city, and which shall provide for the management, protection, control, regulation, use and enhancement of the city's stormwater services, systems and facilities.

(b) There is hereby established a stormwater utility enterprise fund in the city budgeting and accounting systems for the purpose of dedicating and protecting all funding

applicable to the purposes and responsibilities of the city stormwater utility. The utility shall deposit in a separate ledger account all revenues collected pursuant to this chapter. The funds deposited shall be used exclusively to provide services and facilities related to the stormwater system pursuant to the provisions of Code of Virginia §15.2-2114. The stormwater utility and enterprise fund will be established effective July 1, 2012. Stormwater utility charges will become effective July 1, 2012 and the first bills shall be due with the first water/sewer billing cycle of July 2012.

Sec. 16.3-5. Assessment of stormwater utility charge.

Adequate revenues shall be generated to provide for a balanced operating and capital improvement budget for the stormwater utility by setting sufficient levels of utility fees. Income from utility fees shall not exceed actual costs incurred in providing the services and facilities described in Sec. 16.3-4. Utility fees shall be charged to owners of all developed property in the city.

(a) SFU established. The single-family unit (SFU) area is hereby established to be 2,672 square feet of impervious surface area.

(b) SFU rate established. The single-family unit rate for stormwater service charges applied to other residential and nonresidential development is hereby established to be \$4 per month for each single-family unit (SFU) or portion of a single-family unit on the parcel, and will become effective July 1, 2012.

(c) Residential (SFU) tiers established. The tier structure rate established for residential developed land is as follows:

	Impervious Area On Property (Square Feet)	Percentage of SFUs
<u>Detached Single-Family Residential</u>		
Small Tier	1,336 or less	50%
Medium Tier	1,337 to 4,275	100%
Large Tier	4,276 or more	160%
<u>Other Residential Development (SFUs/Dwelling unit)</u>		
Duplex		50%
Triplex, Quadplex and Mobile Homes		70%
Condominiums and Townhomes		33%

Apartments of 5 or more units shall be billed per 16.3-5(e)

(d) The monthly utility fee for developed residential and developed multi-family property shall equal the SFU rate times the appropriate SFU factor times the number of dwelling units on the parcel.

(e) The monthly utility fee for developed nonresidential property and residential

apartments of 5 or more units shall be the SFU rate multiplied by the numerical factor obtained by dividing the total impervious surface area of the property by one (1) SFU. The numbered factor will be rounded to the nearest tenth (0.1) of a unit. The minimum utility fee for any developed nonresidential property or apartment of five or greater units shall equal the SFU rate.

(f) The utility fee for unoccupied developed property, both residential and nonresidential, shall be the same as that for occupied property of the same class.

(g) Undeveloped property shall be exempt from the utility fee.

Sec. 16.3-6. Billing, payment and penalties.

(a) The utility fee is to be paid by the owner of each lot or parcel subject to the utility fee. All properties, except as stated in Sec. 16.3-5, shall be rendered bills or statements for stormwater services. Such bills or statements shall be combined with sewer and water bills levied pursuant to chapters 34 and 39 of the City of Lynchburg Code.

(b) All payments received shall first be credited to stormwater charges, and then to the sewer charges and finally to the water charges.

(c) If any such stormwater bill is not paid within five (5) days after due date, it shall be declared delinquent and shall be subject to a penalty of five (5) percent of the amount of the bill. The penalty shall be added to the unpaid bill or subsequent bills.

(d) Whenever the city utilizes the services of an attorney or a collection agency to collect any delinquent fees, rents or charges for the use and services of the city's stormwater system, reasonable attorney's fees or collection agency's fees shall be added to the delinquent bill. The attorney's fees or collection agency's fees shall not exceed twenty (20) percent of the delinquent bill and may be recovered by the city by action at law or suit in equity. Attorney's fees shall be added only if such delinquency is collected by action at law or suit in equity.

Sec. 16.3-7. Adjustment of fees and exemptions.

The city may provide a system of credits to reduce stormwater utility fees for properties on which stormwater control measures substantially mitigate the peak discharge or runoff pollution flowing from such properties or substantially decreases the city's cost of maintaining the stormwater system. The utilities department will develop written policies to implement the credit system. No credit will be authorized until the city council approves written policies to implement the system of credits; a copy of the approved policies shall be on file with the utilities department. Nothing shall prevent the city council from modifying the adopted system of credits, and such modifications may apply to holders of existing credits.

Sec. 16.3-8. Appeal.

The city manager shall have the authority to adopt an appeals process for customers who believe the provisions of this chapter have been applied in error. All appeals shall be in accordance with the process adopted by the city manager. A copy of the appeals process shall be kept in the city manager's office and the office of the utilities department and shall be available for review upon request.

Sec. 16.3-9. Limitations of responsibility.

(a) The city shall be responsible only for the portions of the stormwater system that are in city maintained street rights-of-way, permanent stormwater easements conveyed to and accepted by the city, or as otherwise explicitly stated in a written agreement with the city. Repairs and improvements to the drainage system shall be in accordance with established standards, policies and schedules.

(b) The city's acquisition of permanent storm drainage easements and/or the construction or repair by the city of stormwater control measures and drainage facilities does not constitute a warranty against stormwater hazards, including, but not limited to, flooding, erosion or standing water.

Sec. 16.3-10. Severability.

(a) All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

(b) If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Sec. 16.3-11. Right to enter property.

In order to assure compliance with the provisions of this chapter, and all applicable city ordinances, state and federal laws, orders or regulations, the director of utilities or his agent shall have the right to inspect any property, public or private, within the city at any reasonable time. In the event the director of utilities, or his agent shall be denied access to property, the director of utilities or his agent may present sworn testimony to a magistrate or court of competent jurisdiction and if such sworn testimony establishes probable cause that a violation of this ordinance has occurred, request that the magistrate or court grant the director of utilities or his agent an inspection warrant to enable the director of utilities or his agent to enter the property for the purpose of determining whether a violation of this ordinance exists. The director of utilities or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the

subject property prior to seeking the issuance of an inspection warrant under this section. It shall be a violation of this section for any person to deny the director of utilities or his agent access to any property after the director of utilities or his agent has obtained an inspection warrant from a magistrate or a court of competent jurisdiction for the inspection of such property.

Secs. 16.3-12 through 16.3 – 19. Reserved.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

RECEIVED
JUL 26 2011

Council/Manager
Offices

July 24, 2011

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Sincerely Barbara
Avery
Peterson

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2011**

AGENDA ITEM NO.: 8

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **\$24,000 Grant Award from the Virginia Department of Conservation and Recreation**

RECOMMENDATION: Adopt a resolution to amend the FY 2012 Water Capital Projects Fund budget and appropriate \$24,000 with resources from two Virginia Department of Conservation and Recreation grants to reimburse costs associated with bringing the Pedlar Dam and Abert Lagoon Dam into compliance with minimum standards for dam safety.

SUMMARY: The City of Lynchburg has been awarded two grants totaling \$24,000 from the Virginia Department of Conservation and Recreation (DCR). The Pedlar Dam and Abert Lagoon Dam each received \$12,000; only 70 grants were made statewide. This grant award reimburses the City for dam break inundation zone analysis, mapping, emergency action plans, and engineering costs (up to 50%), not exceeding the grant awards. These recent efforts were required to bring the two dams into compliance with new dam safety regulations approved by the General Assembly in 2008. All of the engineering, construction, and emergency action plans are complete. The Pedlar Dam and Abert Lagoon Dam are now in full compliance with the current regulations.

No local match is required with this grant award. Grant funds will be used to reimburse costs incurred by the Water Capital Projects Fund for these projects.

PRIOR ACTION(S): Finance Committee August 9, 2011

FISCAL IMPACT: None, no local match is required.

CONTACT(S): Tim Mitchell, Director of Utilities, 455-4252; Steve Shenk, Program Manager, 455-4260

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2012 Water Capital Projects Fund budget is amended and \$24,000 is appropriated with resources from two Virginia Department of Conservation and Recreation grants to reimburse costs associated with bringing the Pedlar Dam and Abert Lagoon Dam into compliance with minimum standards for dam safety.

Introduced:

Adopted:

Certified:

Clerk of Council

131L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2011**

AGENDA ITEM NO.: 9

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Virginia Wireless E-911 Services Board Grant**

RECOMMENDATION: Adopt a resolution to amend the FY 2012 City/Federal/State Aid Fund budget and appropriate \$120,000 with resources from the Virginia Wireless E-911 Services Board FY12 PSAP Grant Program to refresh the current Vesta Pallas 911 telephone system located in the Department of Emergency Services Emergency Communications Center.

SUMMARY: Several components of the Vesta Pallas 911 telephone system located in the Department of Emergency Services Emergency Communications Center have reached end of life status. A maintenance contract from the vendor is no longer available due to the age of the equipment.

A grant application was submitted to the Virginia Wireless E-911 Services Board to refresh the system. Notification was received on July 21, 2011 that the City had received an award to fully fund the project; no local match is required.

PRIOR ACTION(S): Finance Committee August 9, 2011

FISCAL IMPACT: None, no local match is required.

CONTACT(S): William A. Aldrich, Director of Emergency Services, 455-4285

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED that the FY 2012 City/Federal/State Aid Fund budget is amended and \$120,000 is appropriated with resources from the Virginia Wireless E-911 Services Board FY12 PSAP Grant Program to refresh the current Vesta Pallas 911 telephone system located in the Department of Emergency Services Emergency Communications Center.

Introduced:

Adopted:

Certified:

Clerk of Council

130L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2011**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: *Future Land Use Map (FLUM) Amendment – Resource Conservation & Medium Density Residential to Regional Commercial – 1211 Old Graves Mill Road*
Rezoning – R-2, Low-Medium Density Single-Family Residential to B-5, General Business District (Conditional) – 1211 Old Graves Mill Road

RECOMMENDATION: Approval of the FLUM amendment and rezoning petitions.

SUMMARY: Makena Yarbrough, Executive Director of the Lynchburg Humane Society, is petitioning to amend the *FLUM* from Resource Conservation and Medium Density Residential use to Regional Commercial use and to rezone the property from R-2, Low-Medium Density Single-Family Residential District to B-5, General Business District (Conditional) to allow the construction of a new animal shelter and associated parking at 1211 Old Graves Mill Road. The Planning Commission recommended approval of the petitions because:

- The development of the property for use by the Lynchburg Humane Society would provide a Citywide resource while still encompassing architecture and design that would make it compatible with the area.
- The petition agrees with the *Zoning Ordinance* which permits kennels (animal shelter) by right in a B-5, General Business District.

PRIOR ACTION(S):

August 10, 2011: Planning Division recommended approval of the *FLUM* and rezoning petitions.

Planning Commission recommended approval (6-0 with 1 abstention, Hooper) of the *FLUM* amendment.

Planning Commission recommended approval (6-0 with 1 abstention, Hooper) of the rezoning petition with the following voluntarily submitted proffers:

1. The following uses are the only uses that shall be permitted within the B-5C area (9.6-acre Parcel A) for which this rezoning application is being filed (all other uses permitted by right in the B-5 are excluded):
 - Commercial kennels for dogs and other pets
2. The site shall be developed in general compliance with the submitted Rezoning Plan.
3. The architecture of the building will be of similar style to the renderings presented in the rezoning application.

FISCAL IMPACT: None

CONTACT(S):

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Future Land Use Amendment Ordinance
- Rezoning Ordinance
- Planning Commission Report – August 10, 2011
- Planning Commission Minutes – August 10, 2011
- Vicinity Zoning Pattern
- Vicinity Land Use
- Watershed Location Map
- Rezoning Plan
- Future Land Use Map Amendment Plan
- Rendering
- Narrative
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FOR THE PROPERTY LOCATED AT 1211 OLD GRAVES MILL ROAD FROM RESOURCE CONSERVATION AND MEDIUM DENSITY RESIDENTIAL TO REGIONAL COMMERCIAL.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76__, which section shall read as follows:

Section 35.1-76__. Amend the Future Land Use Map for the subject property at 1211 Old Graves Mill Road from Resource Conservation and Medium Density Residential to Regional Commercial.

The area embraced within the following boundaries as shown on the "Future Land Use Map for the Lynchburg Humane Society" as prepared by Hurt & Proffitt, Inc., dated July 27, 2011...

Area "A" containing .189 acres of land, more or less indicated as a Resource Conservation Land Use.

Area "B" containing 6.076 acres of land, more or less indicated as Medium Density Land Use.

Combined totaling 6.265 acres of land more or less.

...is hereby amended on the Future Land Use Map from Resource Conservation and Medium Density Residential to Regional Commercial and the Director of Community Development shall forthwith cause the Future Land Use Map referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

137L1

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1211 OLD GRAVES MILL ROAD FROM R-2, LOW-MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT TO B-5C, GENERAL BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76__, which section shall read as follows:

Section 35.1-76__. Change of a certain area located at 1211 Old Graves Mill Road from R-2, Low-Medium Density Single-Family Residential to B-5C, General Business District (Conditional).

The area embraced within the following boundaries...

Beginning at a rebar found at the intersection of the southern right-of-way of Graves Mill Road and the and the western right-of-way of Old Graves Mill Road, thence along said right-of-way of Old Graves Mill Road the following courses; South 51 degrees 30 minutes 20 seconds East 146.69 feet to a rebar found, North 70 degrees 43 minutes 03 seconds East 32.18 feet to a rebar found, South 23 degrees 08 minutes 12 seconds East 28.62 feet to a rebar found, South 75 degrees 01 minutes 29 seconds East 82.38 feet to a rebar found, South 24 degrees 08 minutes 42 seconds East 38.21 feet to a rebar found, South 16 degrees 27 minutes 23 seconds West 70.46 feet to a rebar found, South 27 degrees 33 minutes 33 seconds East 49.67 feet to a rebar found, South 71 degrees 51 minutes 50 seconds West 31.13 feet to a rebar found, South 30 degrees 14 minutes 46 seconds East 148.18 feet to a rebar, South 23 degrees 02 minutes 11 seconds East 118.22 feet to a rebar found, South 04 degrees 32 minutes 53 seconds West 118.66 feet to a ½" rebar set; thence leaving said right-of-way North 85 degrees 27 minutes 07 seconds West 859.63 feet to a ½" rebar set; thence North 25 degrees 31 minutes 25 seconds West 291.40 feet to a ½" rebar set; thence North 64 degrees 28 minutes 35 seconds East 715.76 feet to the point of beginning and containing 9.600 acres.

...is hereby changed from R-2, Low-Medium Density Singe-Family Residential District to B-5, General Business District (Conditional) subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, namely Ms. Makena Yarbrough to wit:

1. The following uses are the only uses that shall be permitted within the B-5C area (9.6-acre Parcel A) for which this rezoning application is being filed (all other uses permitted by right in the B-5 are excluded):
 - Commercial kennels for dogs and other pets
2. The site shall be developed in general compliance with the Rezoning Plan submitted on August 2, 2011.
3. The architecture of the building will be of similar style to the renderings presented in the rezoning application.

And the Director of Community Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

137L2

The Department of Community Development

City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: August 10, 2011

Re: ***Future Land Use Map Amendment (FLUM) – Resource Conservation & Medium Density Residential to Regional Commercial***

Rezoning – R-2, Low-Medium Density Single-Family Residential to B-5, General Business District (Conditional)

I. PETITIONER

Ms. Makena Yarbrough, Lynchburg Humane Society, 3305 Naval Reserve Road, Lynchburg, VA 24501

Representative: Mr. Scott Beasley, P.E., Hurt & Proffitt, Inc., 2524 Langhorne, Road, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of nine and six tenths (9.6) acres located at 1211 Old Graves Mill Road.

Property Owners: Herman R. Schenkel & Marianne Scholes, c/o Schenkel & Donaldson PC, P.O. Box 11315, Lynchburg, VA 24506

III. PURPOSE

The purpose of this petition is to allow the construction of a new animal shelter (Lynchburg Humane Society) and associated parking.

IV. SUMMARY

- Petition proposes to amend the *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* from Resource Conservation & Medium Density Residential to Regional Commercial.
- Petition agrees with the *Zoning Ordinance* which permits kennels (animal shelter) by right in a B-5, General Business Districts.

The Planning Division recommends approval of the *Future Land Use Map* amendment, amending the Medium Density Residential area and only the portion of the Resource Conservation area that intersects with the project to Regional Commercial and the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends a Resource Conservation and Medium Density Residential use for the property. Resource Conservation areas encompass lands with special natural characteristics that make their preservation particularly important to the city's environmental health. (pg. 5.2) Medium Density Residential areas are characterized by small-lot single-family detached housing, duplexes and townhouses at densities up to twelve (12) units per acre. (pg. 5.5) Other future land uses in the area are indicated as Community Commercial, Office, Medium Density Residential and Resource Conservation.

The development of the property for use by the Lynchburg Humane Society would provide a citywide resource, while still encompassing architecture and design that would make it appropriate for the area. Although the petitioner has requested the amendment to be consistent with an animal shelter, only a small portion of the project infringes on the Resource Conservation area of the property. It is recommended that only that portion of the project that intersects with the Resource Conservation boundary be amended, rather than designating the entire property as Regional Commercial.

The petitioner held neighborhood information meetings on June 11, 2011 and June 16, 2011. The Planning Division has received no inquiries concerning the proposed development.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low-Medium Density, Single-Family Residential District was established in 1978.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 1. The following uses are the only uses that shall be permitted within the B-5C area (9.6-acre Parcel A) for which this rezoning application is being filed (all other uses permitted by right in B-5 are excluded):
 - Commercial kennels for dogs and other pets.
 2. The site shall be developed in general compliance with the submitted Rezoning Plan.
 3. The architecture of the building will be of similar style to the renderings presented in the rezoning application.

The submitted proffers adequately address the development of the property for use by the Lynchburg Humane Society and, in the event that the property does not develop as proposed, a rezoning would be necessary to amend proffers to allow other uses.

4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On January 11, 2005, Council approved the petition of Millside Development, LLC, for a conditional use permit (CUP) to allow the construction of a cluster commercial development at Graves Mill Road and Lillian Lane.
 - On October 10, 2000, Council approved the petition of L.E. Litchford, Inc., for a CUP to allow the construction of a truck refueling facility at 156, 166 and 180 Mill Ridge Lane.
 - On September 12, 2000, Council approved the petition of First Assembly of God for a CUP to allow the construction of a church and parking area at 1208 Graves Mill Road.
 - On January 12, 1999, Council approved the petition of Petrie, Dierman and Kughn to rezone sixty-five (65) acres from R-4, Multi-Family Residential District and B-5, General Business District (Conditional) and to obtain a CUP to allow fill in the flood plain for the construction of a shopping center at 1200 Graves Mill Road.

- On July 13, 1999, Council approved the petition of Paul Graves to rezone one (1) acre from R-C, Conservation District and R-1, Single Family Low-Density Residential District to B-5, General Business District (Conditional) to allow the reconstruction of the historic Graves Mill for commercial use at 1220 Graves Mill Road.
 - On January 28, 1992, Council approved the petition of Dreaming Creek Properties to rezone sixteen and one-half (16.5) acres from B-5, General Business District (Conditional) to B-5, General Business District (Conditional) to amend previously approved proffers at 1300 and 1304 Old Graves Mill Road and 905 Graves Mill Road.
 - On October 8, 1991, Council approved the petition of Babcock & Wilcox for a CUP to allow the installation of a microwave transmission tower at 155 Mill Ridge Lane.
 - On December 11, 1990, Council approved the petition of Frank G. Davidson, III, to rezone four and one-half (4.5) acres from B-5, General Business District (Conditional) to B-5, General Business District (Conditional) to amend previously approved proffers at 1301 Old Graves Mill Road.
 - On December 8, 1987, Council approved the petition of Hutter Associates, Inc., to rezone thirty and one-half (30.5) acres from R-1, Single Family Low-Density Residential District to B-5, General Business District (Conditional) to allow “speculative” development at 1200 Graves Mill Road.
 - On August 12, 1986, Council approved the petition of Dreaming Creek Properties to rezone four and one-half (4.5) acres from I-1, Restricted Industrial District to B-5, General Business District (Conditional) and to obtain a CUP for a cluster commercial development to allow the development of office, showroom and warehouse uses at 1301 Old Graves Mill Road.
 - On September 11, 1984, Council denied the petition of W.P. Neal for a CUP to allow the construction of a sixty-three (63)-unit planned unit development at 1014 Old Graves Mill Road.
 - On December 14, 1982, Council approved the petition of William Burruss and Dreaming Creek Properties to rezone one hundred four (104) acres from I-1, Restricted Industrial District to I-2, Light Industrial District (Conditional) to allow industrial uses on Mill Ridge Road.
 - On February 9, 1982, Council approved the petition of Taylor Brothers, Inc., to rezone eleven (11) acres from I-1, Restricted Industrial District to I-2, Light Industrial District to allow millwork manufacturing and retail sales at 1300 and 1304 Old Graves Mill Road and 905 Graves Mill Road.
6. **Site Description.** The subject property is a tract of nine and six tenths (9.6) acres, which is part of a larger thirty-two (32) acre parcel. The portion of the property proposed for rezoning includes a single-family home and outbuildings and is bound to the north by vacant land and Graves Mill Road, to the east by office and single-family uses, to the west by vacant land and to the south by vacant land (the remainder of the thirty-two acre parcel). The vast majority of the existing tree line around the perimeter of the property would be preserved.
7. **Proposed Use of Property.** The purpose of this petition is to allow the construction of a twenty-six thousand (26,000) square foot building for use by the Lynchburg Humane Society. The architectural rendering submitted as part of the petition indicates the front of the facility would have façade in character with a residential setting. The existing buildings on site,

including the single-family dwelling and outbuildings would remain for future storage, meeting or educational use by the Humane Society.

The proposal would include the installation of fifty-nine (59) parking spaces distributed in three (3) parking areas.

8. **Traffic, Parking and Public Transit.** The vehicle trip threshold for the proposed use is less than the five hundred (500) daily trips and the fifty (50) peak hour trips that would warrant a traffic study. The City Engineer noted that the existing driveway would need to be updated to the City standard for commercial entrances. The submitted site plan indicates that the driveway will be upgraded to City standards for one-way traffic and the drive will be widened to twelve (12) feet in width.

Parking requirements are established by the City's *Zoning Ordinance* at one (1) space per four (4) persons of the rated capacity of the building. The submitted site plan indicates that a total of fifty-nine (59) parking spaces are required and fifty-nine (59) parking spaces are proposed.

The property is served by Greater Lynchburg Transit Company's Route 7.

9. **Stormwater Management.** The narrative submitted by the petitioner indicates the stormwater management methods for the site would include bioretention filters (rain gardens), permeable pavement, rainwater harvesting and water quality swales. Many of the methods would provide a stormwater quality benefit that would exceed the pollutant removal efficiency required by the City's Stormwater Ordinance.
10. **Emergency Services.** The City's Fire Marshal noted that a fire hydrant is required within four hundred (400) feet of non-sprinkled buildings and six hundred (600) feet of sprinkled buildings. A fire hydrant has been indicated on the site plan approximately sixty-five (65) feet from the proposed building.

The police department had no comments of concern regarding the proposal.

11. **Impact.** The Lynchburg Humane Society is currently located at 3305 Naval Reserve Road near the City stadium. The Humane Society has provided pound services to the city for fifty-five (55) years. Community need, age of the existing shelter, capacity and the desire to provide better quality services has resulted in the need for a new facility.

In 2009, the Lynchburg Humane Society Board of Directors changed its mission and vision to a "no kill" status. In 2010, the Humane Society saved eighty-four percent (84%) of the animals in their care. The construction of the new facility would aid in achieving the "no kill" goal by creating a compassionate environment that will encourage the community to visit, volunteer and learn to adopt. The new Lynchburg Humane Society campus would become an educational resource for parents, teachers and civic groups.

The facility would typically be open Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m. and Saturday and Sunday between the hours of 8:00 a.m. and 4:00 p.m. It is anticipated that the center will have approximately twenty (20) staff member on site daily. The shelter will primarily house dogs and cats with occasional rabbits, gerbils, hamsters, ferrets and birds.

The building is intended to be state of the art with a front façade that is residential in character. The facility will be served by public water and sewer. Cat feces will be disposed of in trash receptacles and dog feces will be disposed of in the city sewer. A crematorium is proposed and anticipated to operate no more than five (5) times per month.

The property is surrounded by a mixture of commercial, residential and vacant land. As designed, the facility should blend well in to the area. The proximity to the Lynchburg Expressway would make the facility more accessible to the citizens of Lynchburg.

The petitioner conducted two (2) neighborhood meetings on June 11, 2011 and June 16, 2011.

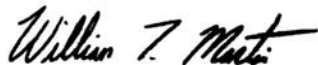
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on July 19, 2011. Comments related to the proposed use have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of the Lynchburg Humane Society to amend the existing Medium Density Residential area and only the portion of the Resource Conservation area of the Future Land Use Map that intersects with the project to Regional Commercial.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of the Lynchburg Humane Society to rezone nine and six tenths (9.6) acres from R-2, Low-Medium Density Single-Family Residential to B-5, General Business District (Conditional) at 1211 Old Graves Mill Road to allow the construction of an animal shelter with the voluntarily submitted proffers.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

- pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozarow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Ms. Erin Hawkins, Environmental Reviewer
Ms. McKenna Yarbrough, Petitioner
Mr. Scott Beasley, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Rezoning Plan/Future Land Use Map Boundaries**
- 5. Option 4 Building Elevations**
- 6. Narrative**
- 7. Proffers**
- 8. Photo**

MINUTES FROM THE AUGUST 10, 2011 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

- a. Petition of the Lynchburg Humane Society to amend the Future Land Use Map from Resource Conservation and Medium Density Residential to Regional Commercial and to rezone approximately nine and six tenths (9.6) acres from R-2, Low-Medium Density Single-Family Residential District to B-5C, General Business District (Conditional) to allow the construction of an animal shelter and associated parking at 1211 Old Graves Mill Road.**

Mr. Henry had the following comments for the commissioners. The purpose of the petition would allow for the construction of a new animal shelter. The existing R-2 zoning was established in 1978 with the adoption of the current *Zoning Ordinance* and encompasses the area to the south and east. The rear of the property is zoned Resource Conservation. The properties that front Graves Mill Road are zoned B-5 up to the expressway.

The *Comprehensive Plan* recommends Resource Conservation and Medium Density Residential uses in this area. Other relevant land uses in the immediate area are indicated as Community Commercial and Office use. The petitioner is requesting an amendment to the *Future Land Use Map (FLUM)* to provide for Regional Commercial use. Regional Commercial uses are intended to draw customers from the entire region. Although a large portion of the property contains Resource Conservation, a relatively small portion is proposed to be amended.

The vehicle trip threshold for the existing and proposed uses is less than the 500 daily trips and 50 peak hour trips that would warrant a traffic study. The submitted site plan indicates that the driveway will be upgraded to City standards. The narrative submitted indicates that stormwater management methods for the site will include bioretention filters, rain gardens, permeable pavement, rainwater harvesting and water quality swales. Many of the methods would provide a stormwater quality benefit that would exceed the efficiency required by the City's stormwater ordinance.

The facility will be open Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m. and on Saturday and Sunday between the hours of 8:00 a.m. and 4:00 p.m. It is anticipated that the center will have approximately 20 staff members on site daily. The facility will primarily house dogs and cats and occasionally other small animals. The facility is to be served by City sewer and water and is intended to be state-of-the-art for the front façade, which will be residential in character. A crematorium is also proposed in the rear of the building. It is anticipated that the crematorium will be operated no more five times per month.

Since the property is surrounded by a mixture of commercial, residential and vacant land, the shelter should blend well into the area. The petitioner held neighborhood meetings on June 11 and June 16. The Planning Division has received no inquiries concerning the proposed development. The submitted proffers adequately address the development of the property for use by the humane society. In the event that the property does not develop as proposed, a rezoning would be necessary to amend the proffers to allow a different use. Staff recommends approval of both petitions.

Ms. Makena Yarbrough came forward to represent the petition. She explained that the board of directors of the humane society decided in 2009 to make the facility a "no kill" shelter. The current facility does not have the elements necessary in order to facilitate that goal. Currently, the facility is overcrowded and rooms not intended for animals have to be used to house the animals. The dog kennels are not air conditioned. The kennels are loud and damp and it is not a conducive environment for people to come and adopt an animal. The current facility has indoor/outdoor runs for the dogs. The proposed facility will be entirely indoors and contained to keep it climate controlled and to keep the

spread of illness down. The current building is deteriorating. The proper materials were not used when constructing the building.

Ms. Yarbrough explained that the board spent 18 months looking at property around Lynchburg. They were looking for easy accessibility to Lynchburg and county residents and a good traffic count. The new building will be different from a normal shelter. They want to represent the community the way it should be and set an example on how animals should be treated. It will be an open, friendly environment. They want a fun, attractive place where people will feel comfortable to volunteer, work, learn and adopt.

The kennels will have glass fronts, which will cut down on noise. There will also be some real life rooms where the dogs can live comfortably in a home like environment, which makes them more adoptable. There will be a number of free roaming rooms in the adoption area for cats, which makes it better for adoption and cuts down on illness. There are currently no areas to treat sick dogs at their present facility. They currently house sick dogs in a staff restroom. They are excited about having volunteer opportunities. They hope to have small training classes to provide education, particularly to young children.

Chair Hamilton asked for anyone else who wished to speak in favor of the petition. No one came forward. She acknowledged several people who were in attendance in support of the petition. She asked for anyone who wished to speak in opposition to the petition or with questions.

Mr. Carlton Overstreet, the owner of 110 Valleydale Drive came forward to speak. He has tenants living in the house and he is concerned about noise and odor from this facility bothering his tenants. He is concerned with the value of his property going down as well.

Ms. Yarbrough came back to address his concerns. She explained that the facility will be entirely enclosed and the walls will be concrete block. The dogs will not be outside unless they are being walked. She could be in her office in Richmond's facility and not hear the dogs barking. Mr. Overstreet asked if she could guarantee that there would be no noise. She said she feels like she can. The location of the building on the property will help as well because it is very well buffered by many trees.

Mr. Henry explained that the City's *Zoning Ordinance* states that no odor can pass the property lines. As far as the noise is concerned, he confirmed that there will be many trees buffering the noise. They will be required to plant more trees as well. Ms. Yarbrough explained that the dogs will be housed in the far back right hand side corner, which is far from any house. The animal waste will be going down the sewer system, so there should be no odor outside.

Chair Hamilton asked Mr. Overstreet if that answered his questions. He asked if there is going to be a contract that there will be no noise. Ms. Yarbrough explained that the dogs will never be left outside. They will be walked during the day by volunteers. The most that would be outside at any one time should be five to eight. Ms. Yarbrough said most of the dogs will get their exercise inside. The trails will be on the wooded property, which is pretty far from the residential area. She explained that most dogs bark because they want attention or are bored, so most of the barking happening will be indoors. She cannot say that you will never hear a single sound ever but she can certainly say that you will not hear any of the dogs that are inside.

Mr. Overstreet said those were his only comments and concerns. Chair Hamilton closed the public hearing portion of the petition. A person then brought up questions and Chair Hamilton called him up to speak. His name was John McCann and he lives at 14 Valleydale Drive. He asked for clarification about the tree line that they will have to plant. Mr. Henry said it will be a double row of evergreens twenty feet in length. Mr. McCann was also concerned with noise and odor. He feels they have been addressed but is still concerned with what is actually going to happen.

Commissioner Sale asked what constitutes a public nuisance as far as dogs barking. Mr. Henry said he was not sure if he could answer that. Nuisance suits are usually civil matters. He is not sure if the City gets involved with it. Chair Hamilton pointed out that the humane society gets money from the City. Ms. Yarbrough explained that it is the contracted pound for the City, which is a requirement of State law. They receive \$104,000 from the City for that purpose. Chair Hamilton asked if they currently receive any noise complaints. She said they do not. The dogs mainly bark first thing in the morning when people come in to work, but that should not be a problem at the new facility because of them being contained inside.

Commissioner Barnes said he is trying to understand what portion of the parcel is being rezoned. Mr. Henry explained that the site plan shows a subdivided lot. Mr. Henry pointed out on the map where that portion of the property is located. Mr. Patrick Proffitt of Hurt and Proffitt explained that there is approximately 600 to 700 feet between where the humane society's building will be located and Valleydale Drive. Mr. Proffitt pointed out that the rest of the property will remain R-2 and can be developed as low-medium density single-family residential.

Ms. Yarbrough indicated that they wanted to locate the building as far away from the residences as they could. They do not want to be nuisance. They want to be something that is a benefit to the community and something that people can be proud of.

Commissioner Swienton asked how wide the entrance to the facility will be built. Mr. Andy Klepac of Hurt and Proffitt came up to address that question. He said it will be a 24-foot drive, which is typical for two-way traffic and will provide ample room for turns. Commissioner Swienton said that was his primary concern with the petition—the visibility and the impact on the flow of traffic. Personally, he feels that there should be a taper there but he understands that is up to the traffic engineer. Mr. Klepac said they will have to do some clearing to make sure there is adequate sight distance. As far as a turn lane, the City Engineer has indicated that the expected number of trips did not warrant a turn lane into the property. Additionally, drivers coming up that hill from Graves Mill Road tend to be going a little slower, so there is not a lot of high speed traffic trying to make a right turn into the site.

Commissioner Swienton asked why they feel they need to clear any of the trees in the Resource Conservation area. Mr. Klepac said that is necessary for them to create the fill slope and to collect and treat the stormwater runoff. He would like to point out that this is the biggest the building could be, but it could easily be smaller than what is indicated on the site plan. In that case, there will be no impact on the Resource Conservation area.

Commissioner Swienton asked how they will keep the stormwater from decreasing before it comes down the slope or is the plan to just treat it and slow down the quantity after it comes down the slope. Mr. Klepac said it will primarily be controlled after it comes down the slope. They do not have a grading plan yet, so they do not know the height of the slope. Mr. Klepac said there is a line labeled "water quality swale" on the plan and they will certainly take measures to slow the water down in that device, which will minimize erosion.

There was more discussion about how far the building will be from residences. Mr. Henry said he measured and there is close to 1,000 feet between the facility and any residences on the southern side and if you go across the street, it is about 800 feet to the nearest residence. The parcel is approximately 32 acres and the petitioner is proposing to rezone approximately ten acres of it.

Ms. Erin Hawkins came up to discuss their stormwater management plan. She explained that at this point in the process, we typically do not have a detailed site plan. She has talked with the engineers about the fact that just the swales and level spreader alone will probably not meet their stormwater requirements. They are looking at using some other options to hopefully reclaim some of the

stormwater. They will be harvesting rainwater, which will drastically cut down on the quantity. They have talked about using bioretentions, more than likely in the parking areas. They will minimize the overland flow over the fill slope because that is not a very good practice. More than likely, the water will be directed around through those swales to the bottom. This combination of measures should give them a good, sound stormwater plan.

Commissioner Sale asked about the possibility of a green roof or some solar capabilities because the building has a good potential for those options. Ms. Hawkins said it would be what is called an extensive roof similar to what is on the courthouse. Something like that could be a viable alternative depending on the structural design of the building. The final size of the building will also play a part in their stormwater design.

Ms. Hawkins mentioned that they are also proposing the runoff reduction method, the newer stormwater requirement that is coming from the State. It gives developers greater ability to quantify the stormwater benefits of rainwater harvesting and forestal conservation. Ms. Hawkins confirmed for Chair Hamilton that they not be able to cut down trees in any other area other than that shown on the site plan. If they propose forestal conservation as part of their stormwater management, they have to preserve it through their stormwater maintenance agreement with the City.

Ms. Yarbrough said they looked at solar panels and she researched the green roof but did not comment on whether or not they will be using either of them. They are going to practice the cistern method of capturing rainwater to use for cleaning and are planning on keeping as many as the trees as possible. She loves the idea that it is an educational opportunity. They can show the community how important the entire environment is.

Mr. Henry wanted to try and answer Commissioner Sale's earlier question about noise. The Police Department enforces noise related issues and there are certain decibel levels for each zoning district. There is a section in the City Code that deals with the issue of animal noise as well.

Commissioner Swienton made the following motions, which were seconded by Commissioner Barnes:

"That the Planning Commission recommends to City Council approval of the petition of the Lynchburg Humane Society to amend the existing Medium Density Residential area and only the portion of the Resource Conservation area of the Future Land Use Map that intersects with the project to Regional Commercial.

That the Planning Commission recommends to City Council approval of the petition of the Lynchburg Humane Society to rezone nine and six tenths (9.6) acres from R-2, Low-Medium Density Single-Family Residential to B-5, General Business District (Conditional) at 1211 Old Graves Mill Road to allow the construction of an animal shelter."

Commissioner Swienton commented that he feels there is sufficient distance between the proposed facility and the residences on Valleydale Drive. He has more concern with what can happen to the undeveloped portion that will be left. He thinks it is fortunate for the neighbors that the humane society would be there first. He thinks that will help the other parcel develop in a more orderly fashion and with the lowest impact. He feels the entrance will be addressed adequately. The improvement in the kennels will be a dramatic plus. If you cannot hear the animals on the inside, you should not be able to hear them outside. He does not see this as being a nuisance and pointed out that residents on Valleydale Drive could certainly have dogs that are disruptive. Overall, this is a good site. It encroaches a little too much on the Resource Conservation area, however, he thinks that their commitment to using rainwater, etc. bodes well for a site plan that looks like they care about how this will function, as well as the reputation.

Commissioner Hannon thought it was exciting, great and wonderful and wished them good luck.

Commissioner Sale wanted to underline the Resource Conservation aspect of the land that is currently zoned and the way it is proposed to be used. It is in the heart and spirit of Lynchburg's conservation that we are talking about animals in our area. This is something that he hopes the City will be very proud of. He thinks it is a good location. He thinks there are some concerns with the neighbors but they are a good distance and buffering will handle it. He is interested and excited and looks forward to visiting. The educational component is very, very important.

Commissioner Coleman stated that the commission has a responsibility to make sure that land use is appropriate. He has a great appreciation for animals. He was very interested to see Ms. Yarbrough's compassion and passion. She did an outstanding job in conveying that notion. He wanted to let Mr. Overstreet know that they are concerned about his concerns but it appears to him that all the adjoining property owners have been appropriately contacted. He believes that as far as noise is concerned, it has been made clear to them that at the current location, there have been no complaints about noise. That reassures him that this is an outstanding improvement for the City. It is this type of preparation and follow through that we should embrace and be very careful about making sure that all persons have done this type of planning prior to their approval.

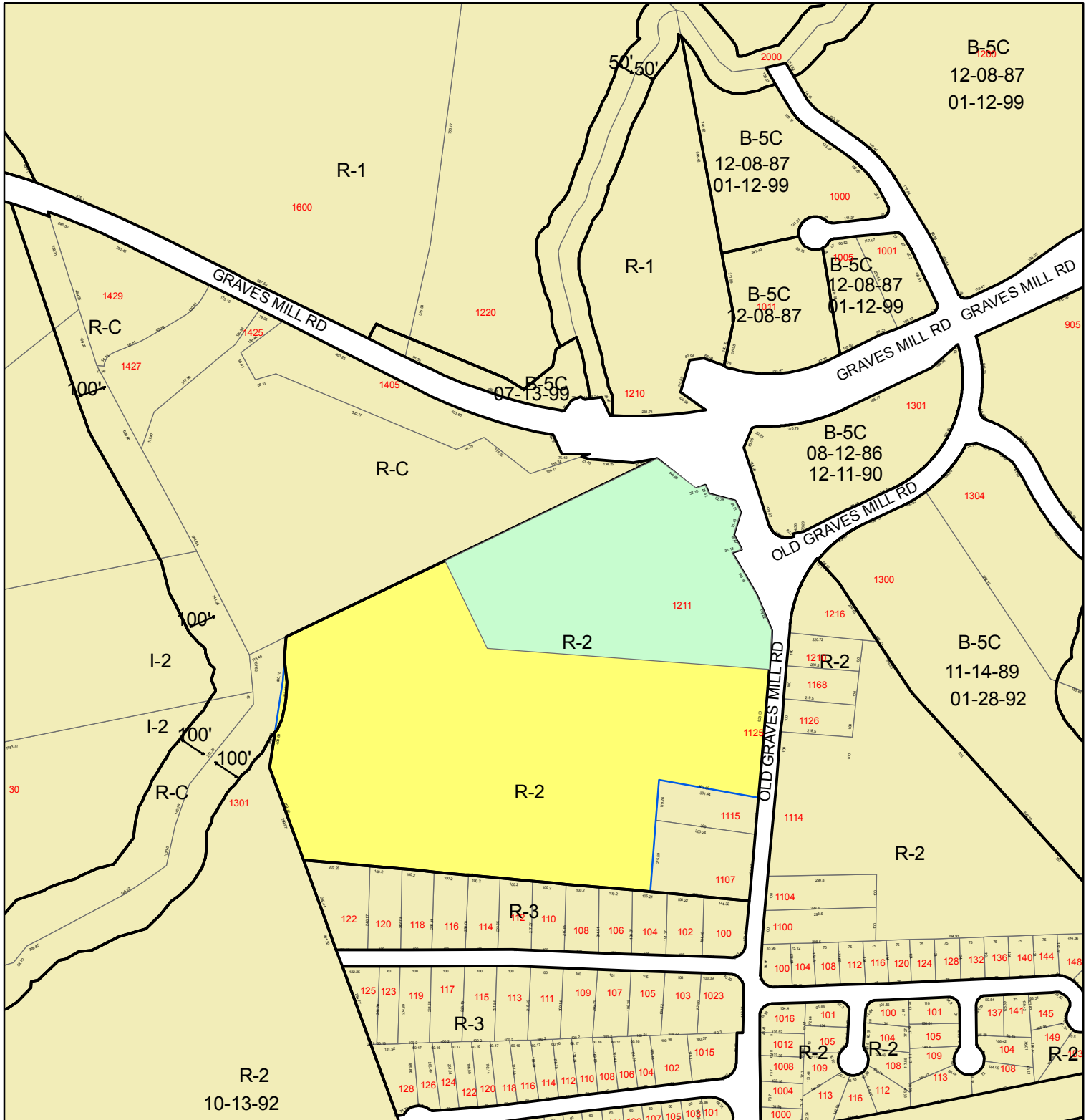
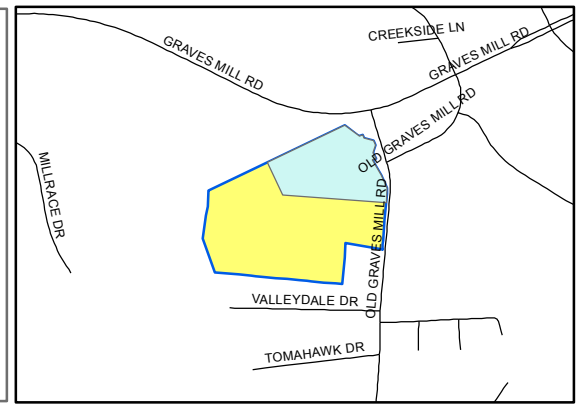
Commissioner Barnes thinks it is an appropriate location and a good design, particularly in terms of stormwater management. He is very much assured about the distance and the buffering and keeping the dogs inside and does not think that noise will be a problem for the neighbors. This concept plan only shows a 12-foot wide drive with one way traffic but he believes that will be taken care of in the final site plan.

Chair Hamilton commented that there is no doubt in her mind that there is a huge need for this facility given the state of the current shelter. She thinks it is a good design and commends their use of things like permeable pavement. She hopes they will embrace the Resource Conservation history of what they are building on.

The motion passed by the following vote:

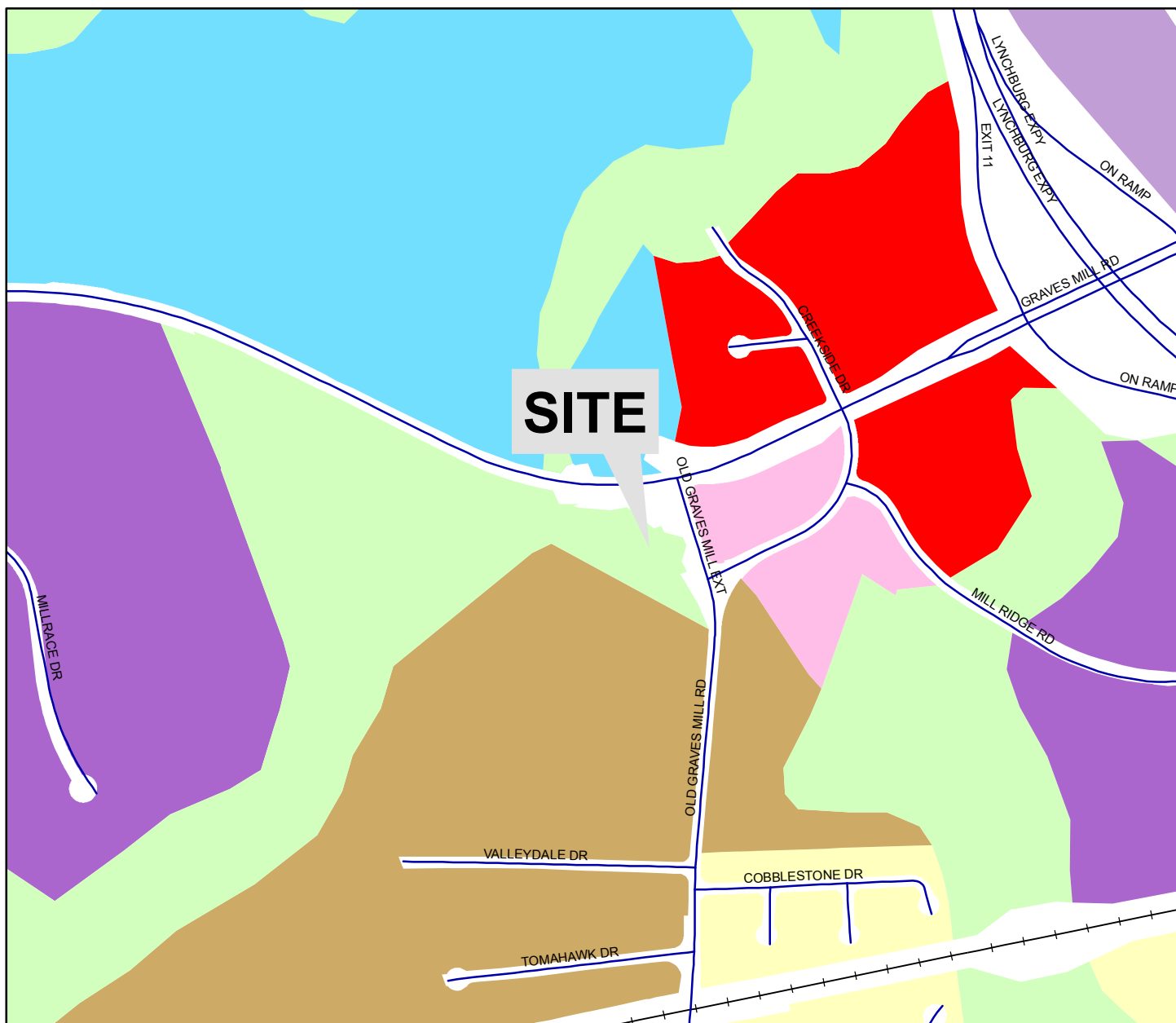
AYES:	Barnes, Coleman, Hamilton, Hannon, Sale and Swienton	6
NOES:		0
ABSTENTIONS:	Hooper	1
ABSENT:		0

 Area to be Rezoned
 Subject Property
 200 Foot Buffer



Lynchburg Humane Society Adjoining Property Owners

PIN	Owner	Local Address
23903004	AREVA NP INC	1300 OLD GRAVES MILL ROAD
24306007	B A LANGLEY	1107 OLD GRAVES MILL ROAD
24306013	CARLTON W OVERSTREET	110 VALLEYDALE DRIVE
24306019	CELINE C SEEKINS	122 VALLEYDALE DRIVE
23904002	CITY OF LYNCHBURG C/O STEVE LAWSON	1405 GRAVES MILL ROAD
24306018	DARRYL L BAILEY	120 VALLEYDALE DRIVE
24306009	DENNIS P & JACQUELINE W ROSSER	102 VALLEYDALE DRIVE
24306012	EMORY D & PHYLLIS RASNAKE	108 VALLEYDALE DRIVE
24306016	FEDERAL HOME LOAN MORTGAGE CORPORATION	116 VALLEYDALE DRIVE
23904005	FIRST ASSEMBLY OF GOD CHURCH TRUSTEE	1210 GRAVES MILL ROAD
24306010	HARRY J & JOAN G HARIS	104 VALLEYDALE DRIVE
24306001	HERMAN R SCHENKEL & MARIANNE SCHOLES C/O SCHENKEL & DONALDSON PC	1211 OLD GRAVES MILL ROAD
24213014	HGM INVESTMENTS LLC	28 MILLRACE DRIVE
24306017	HOUSING & URBAN DEVELOPMENT C/O HMB INC	118 VALLEYDALE DRIVE
23903003	JAMES A SCOTT & SON INC	1301 OLD GRAVES MILL ROAD
24305002	JAMES E & BETTY A MOSES	1210 OLD GRAVES MILL ROAD
24306006	JERROLD K PRICE	1115 OLD GRAVES MILL ROAD
24306015	JOHN H III & BARBARA A MCCANN	114 VALLEYDALE DRIVE
24305001	JOSEPH R TUCKER& CYNTHIA MOORE	1216 OLD GRAVES MILL ROAD
24306011	KENNIS R & PHYLLIS J CRAWFORD	106 VALLEYDALE DRIVE
24306008	MARSHA M FARISS	100 VALLEYDALE DRIVE
24305004	MATILDA J P COLBERT	1126 OLD GRAVES MILL ROAD
24305005	MATILDA J P COLBERT	1114 OLD GRAVES MILL ROAD
24305003	MATILDA J P COLBERT	1168 OLD GRAVES MILL ROAD
23904003	ROSEDALE FARM LLC C/O PAUL G GRAVES	1425 GRAVES MILL ROAD
24213004	ROSEDALE FARM LLC C/O PAUL G GRAVES	1301 GRAVES MILL ROAD
24306014	THOMAS F & LINDA T WADE	112 VALLEYDALE DRIVE
24213013	WEGMANN USA INC	30 MILLRACE DRIVE
Petitioner	LYNCHBURG HUMANE SOCIETY ATTN: MAKENA YARBROUGH	3305 NAVAL RESERVE ROAD
Representative	SCOTT BEASLEY, HURT & PROFFITT	2524 LANGHORNE ROAD



- Local Historic District
- Traditional Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Employment 1
- Employment 2
- Office
- Institution
- Downtown
- Public Use
- Public Parks
- Resource Conservation
- Residential Mixed Use
- General Mixed Use
- Employment Mixed Use

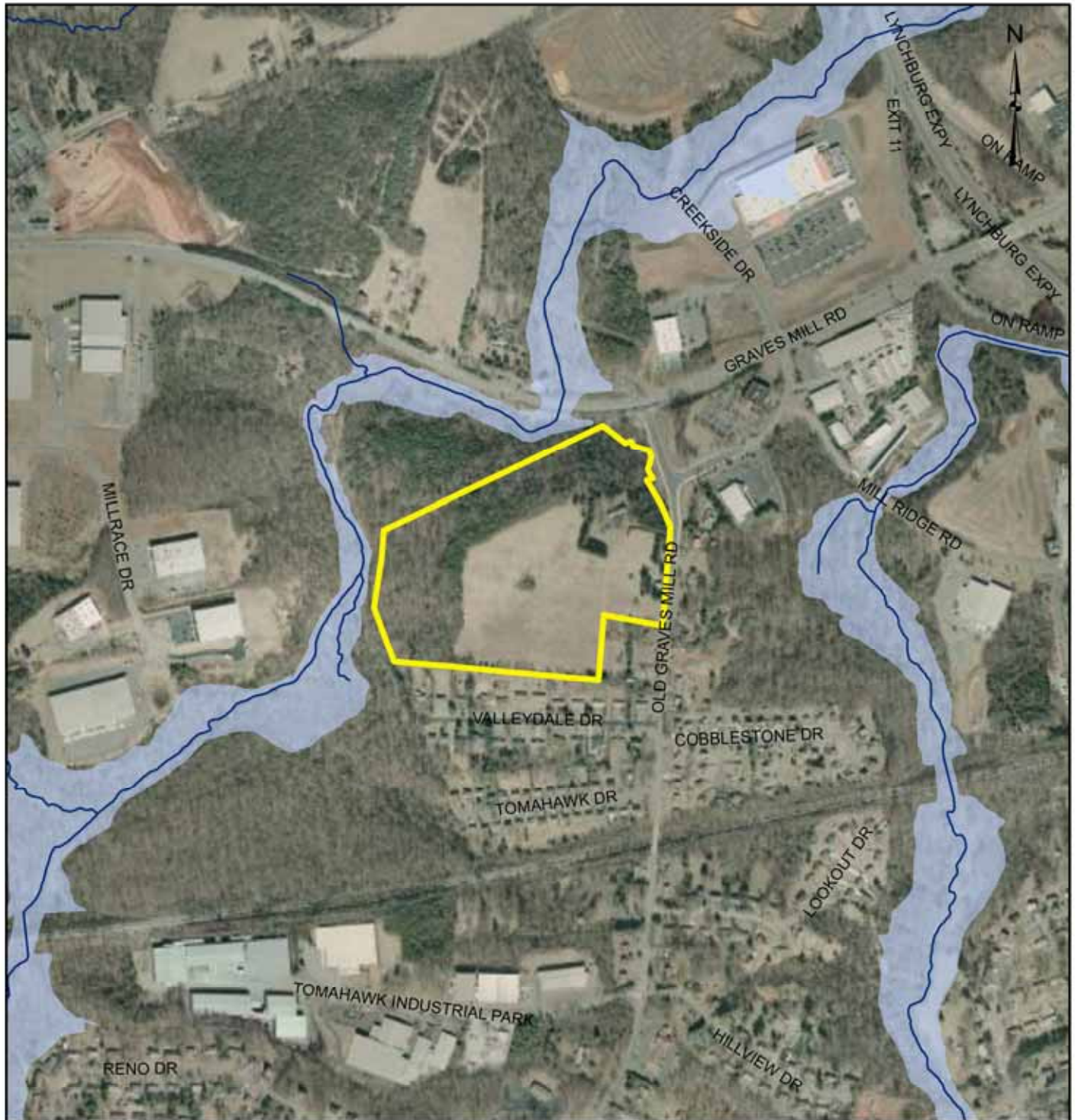
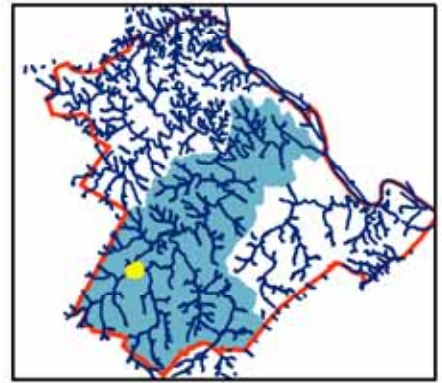
LAND USE MAP **LYNCHBURG HUMANE SOCIETY** **1211 OLD GRAVES MILL ROAD** **REZONING FROM R-2 TO B-5C**

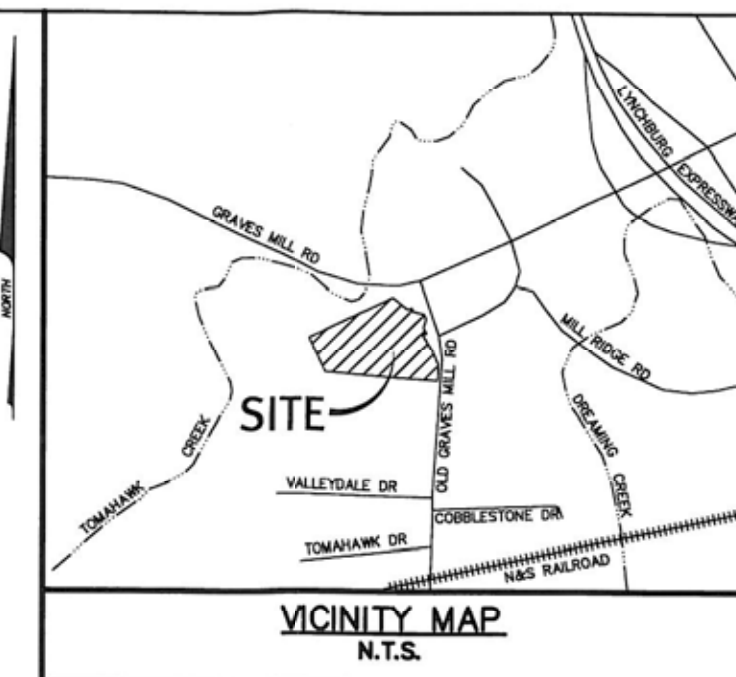
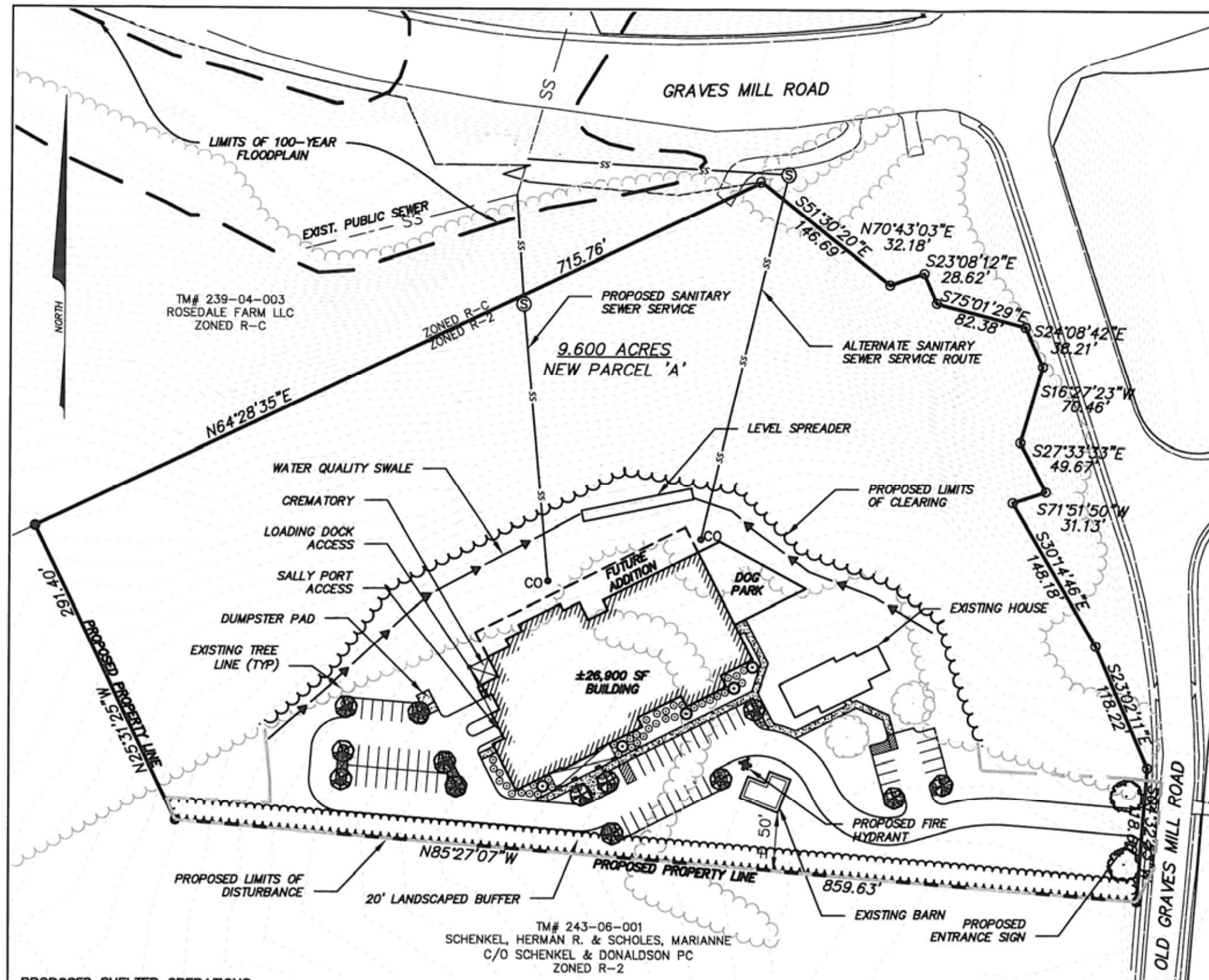


Lynchburg Humane Society

Watershed Location Map

-  Project Site
-  Blackwater Creek
-  FloodzoneAE
-  Corporate Limit





NOTES:

1. SITE TM# 243-06-001
2. SITE OWNER: SCHENKEL, HERMAN R. & SCHOLES, MARIANNE
C/O SCHENKEL & DONALDSON PC
ADDRESS: 1211 OLD GRAVES MILL ROAD, LYNCHBURG, VA 24502
3. SITE PROPOSED USE: ANIMAL SHELTER
4. SITE ZONED: R-2
5. SITE PROPOSED ZONE: B-5C
6. REQUIRED PARKING: 59 SPACES
PROPOSED PARKING: 59 SPACES
7. EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE SHARED WITH A RESIDENTIAL DISTRICT.
8. FOUNDATION PLANTINGS REQUIRED: 1 ORNAMENTAL TREE PER 50' AND 1 LARGE SHRUB PER 10':
250'/50'=5 ORNAMENTAL TREES
250'/10'=25 LARGE SHRUBS
9. PARKING LOT LANDSCAPING REQUIRED: 1 SHADE TREE PER 8 SPACES AND 1 MEDIUM SHRUB PER SPACE:
59/8=8 SHADE TREES
59/1=59 MEDIUM SHRUBS
10. STREET TREES REQUIRED: 1 SHADE TREE PER 40' OF ROAD FRONTAGE:
80'/40'=2 SHADE TREES
11. EXISTING FEATURES AND TOPOGRAPHY FROM LYNCHBURG GIS DATA
12. THE AREA SHOWN HEREON IS LOCATED IN FLOOD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL MAP #5100930101D DATED JUNE 3, 2008.
13. BACKFLOW PREVENTION DEVICES WILL BE INSTALLED ON ALL NEW WATER CONNECTIONS.
14. THE BARN AND HOUSE WILL NOT BE USED TO CARE FOR ANIMALS. IT IS INTENDED THAT THE BARN WILL BE USED FOR STORAGE, MEETING, AND TRAINING SPACE, AND THE HOUSE WILL BE USED AS AN EDUCATION CENTER.

PROPOSED SHELTER OPERATIONS

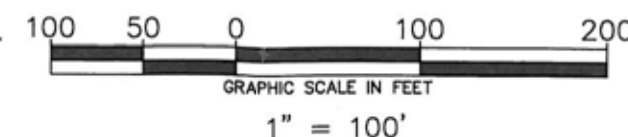
BUSINESS OFFICES WILL BE OPEN 8-5 MONDAY-FRIDAY. THE ADOPTION CENTER WILL BE OPEN 12-6 TUESDAY-FRIDAY AND 12-5 SATURDAY AND SUNDAY. SURRENDERS BY OWNERS WILL BE ACCEPTED BY APPOINTMENT MONDAY-SATURDAY BETWEEN 8-4. STRAYS WILL GENERALLY BE ACCEPTED FROM THE PUBLIC BETWEEN 12-6 DAILY. ANIMAL CONTROL/POLICE OFFICERS WILL HAVE THEIR OWN ENTRANCE AND WILL BRING IN ANIMALS AS NEEDED 24 HOURS A DAY. VOLUNTEERS WILL BE PERMITTED BETWEEN 8-6 DAILY. IT IS ANTICIPATED THAT THERE WILL BE ABOUT 20 STAFF MEMBERS DAILY. STAFF ARRIVAL AND DEPARTURE TIMES WILL STAGGER, WITH MOST ARRIVING AT 8 AND LEAVING AT 5.

A VAN WILL TRANSPORT ANIMALS TO RECEIVE SPAY/NEUTER SERVICES AT THE SOUTH CENTRAL SPAY/NEUTER CLINIC. DOG TRAINING CLASSES ARE PLANNED TO OCCUR ONSITE IN THE NEW TRAINING CENTER. THESE WILL TAKE PLACE IN THE EVENING OR ON SATURDAY MORNINGS. THE SHELTER WILL PRIMARILY TAKE IN DOGS AND CATS, WITH OCCASIONAL RABBITS, BIRDS, GERBILS, HAMSTERS, OR FERRETS. THE CREMATORIUM WILL BE RUN ON AVERAGE ABOUT 4-5 TIMES EACH MONTH. CAT WASTE WILL BE SCOOPED AND THROWN AWAY IN TRASH RECEPTACLES. DOG WASTE WILL BE FLUSHED DOWN A DRAINAGE SYSTEM THAT CONNECTS TO THE SEWER SYSTEM. A HIGH POWERED HOSE SYSTEM WILL BE USED FOR CLEANING THE DOG KENNELS.

RECEIVED

AUG 02 2011

COMMUNITY
DEVELOPMENT



ENGINEERING & SURVEYING >> PLANNING

HURT & PROFFITT
INCORPORATED

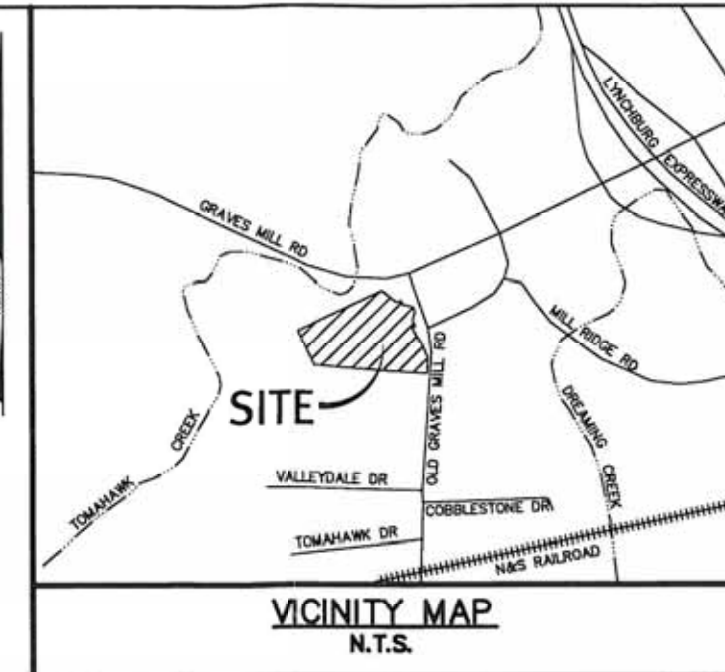
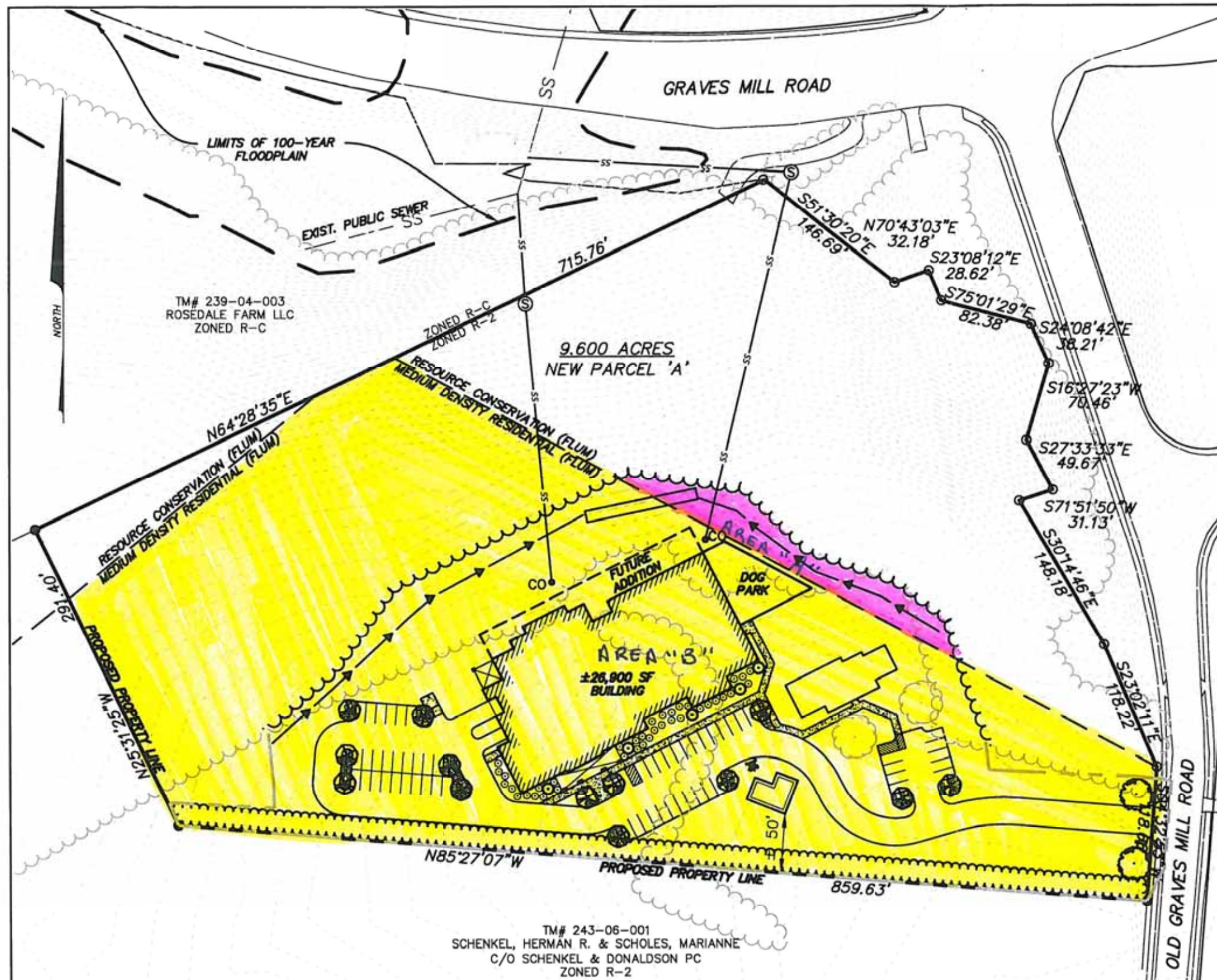
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

REZONING PLAN
FOR

THE LYNCHBURG HUMANE SOCIETY
CITY OF LYNCHBURG, VIRGINIA

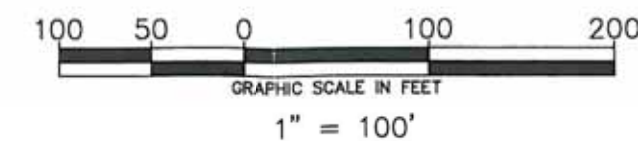
PROJECT NO. 20110273
G.L. NO. 264-01-B1.4
FILE NO. G-13223
DATE: 7/27/2011
DRAWN BY: ASK, PSB
CHECKED BY: PSB

SHEET NO.
1 OF 1



- AREA "A"
Resource Conservation .189 ac
- AREA "B"
Medium Density Residential 6.076 ac
- Proposed Regional Commercial

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AUG 02 2011
COMMUNITY
DEVELOPMENT



ENGINEERING & SURVEYING & PLANNING
HURT & PROFFITT
INCORPORATED
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

FUTURE LAND USE MAP FOR THE LYNCHBURG HUMANE SOCIETY CITY OF LYNCHBURG, VIRGINIA

PROJECT NO. 20110273
G.L. NO. 264-01-B1.4
FILE NO. G-13223
DATE: 7/27/2011
DRAWN BY: ASK, PSB
CHECKED BY: PSB

SHEET NO.
1 OF 1



ISOMETRIC STUDY





Dear Department of Community Development,

The Lynchburg Humane Society is requesting an amendment to the Future Land Use Map (FLUM) from Medium Density Residential/Resource Conservation to Commercial. The purpose of this request is to permit construction of the future home of the Lynchburg Humane Society. This proposed land use is an extension of the existing B-5 already in the area (on the other side of Old Graves Mill Rd).

The Lynchburg Humane Society has had a long-standing, cooperative relationship with the City of Lynchburg, including providing pound services that are mandated by the commonwealth. We have been in this community providing services for over 55 years. We have seen the community need for our animal care services outgrow the capacity of our current shelter. In addition, the age of our current facility makes it difficult for us to provide quality services.

In 2009 the Lynchburg Humane Society Board of Directors decided it was time to change the mission and vision of this organization to bring this community to No Kill status. In the past two years we have increased the services we provide to the public and have created a safer environment for the pets in our care. In 2008 the percentage of animals that made it out of the shelter alive was 49%. After changing our mission and our operating model and increasing our programs and services, we ended 2010 saving 84% of the animals in our care.

We could not have accomplished this goal alone. It is only through community involvement and assistance that we are able to improve the lives of pets in Lynchburg. It shows that our community was ready for this change. We are well on our way towards our No Kill goal which means that all healthy and treatable animals are given the care they need to be placed in a loving, caring home.

Our proposed state-of-the-art Humane Education and Adoption Center is a critical component of our goal to create one of the safest places for pets in Virginia. The new center will provide a pleasant welcoming environment for the public so they will visit, volunteer, learn and adopt more. Our new educational mission will be a resource for parents, teachers and civic groups to help bring about a more compassionate community - not just for pets, but for people as well.

Our educational mission will also include internship opportunities for veterinary students that will provide them with vital shelter and spay/neuter medicine experience. Our work force needs will increase as our services increase, providing a wonderful new opportunity for jobs, life skills and careers. We expect our new center to become a community destination and an extraordinary place to visit.

Thank you for your time and consideration, if you have further questions about this project please contact me at 434-846-1438 ext. 13 or Makena@lynchburghumane.org

Sincerely,

Makena Yarbrough
Executive Director

REZONING APPLICATION ATTACHMENT - PROFFERS

Lynchburg Humane Society
Old Graves Mill Road
Lynchburg, Virginia
Hurt & Proffitt Project #20110273

12. PROFFERS:

1. The following uses are the only uses that shall be permitted within the B-5C area (9.6-acre Parcel A) for which this rezoning application is being filed (all other uses permitted by right in B-5 are excluded):
 - Commercial kennels for dogs and other pets.
2. The site shall be developed in general compliance with the submitted Rezoning Plan.
3. The architecture of the building will be of similar style to the renderings presented in the rezoning application.



Lynchburg Humane Society – 1211 Old Graves Mill Road
Rezoning from R-2 to B-5C
August 10, 2011

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2011**

AGENDA ITEM NO.: 11

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **FY 2011 Carry Forward**

RECOMMENDATION:

Hold a public hearing and adopt a resolution amending the FY 2012 Operating and Capital Budgets and appropriating funds to reflect the carry forward of unexpended funds in FY 2011.

SUMMARY:

The General, City Federal State Aid, Community Development Block Grant, HOME, Asset Forfeiture, Technology, and City Capital Projects Funds are amended to reflect the carry forward of unexpended funds in FY 2011.

Details of these adjustments can be found on Attachment A.

Finally, Council policy requires a minimum Undesignated General Fund Balance of 10% of General Fund revenues. Fund Balance is projected to be approximately \$27 million, or 15.4%, of General Fund revenues as of June 30, 2011.

PRIOR ACTION(S): N/A

BUDGET IMPACT:

As noted above

CONTACT(S):

Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S):

Resolution

Attachment A: FY 2011 Carry Forward Requests to Amend FY 2012 Budget – Summary and Detail

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2012 Budget is amended and funds are appropriated to reflect the carry forward of FY 2011 appropriations that were unexpended as of June 30, 2011, in the General, City Federal State Aid, Community Development Block Grant, HOME, Asset Forfeiture, Technology, and City Capital Projects Funds as follows:

	Adopted FY 2012	Recommended Carry Forward	Amended FY 2012
General Fund			
Operations	\$102,854,400	\$659,701	\$103,514,101
Transfers To/From Other Funds	1,846,516	150,735	1,997,251
Debt Service	14,933,271		14,933,271
Schools-Operations	31,942,103		31,942,103
Greater Lynchburg Transit Co.	1,143,714		1,143,714
Reserve for Contingencies	500,000	700,000	1,200,000
Juvenile Detention Workers Comp Reserve	20,000		20,000
Debt Service Reserve	1,074,362		1,074,362
Arts and Cultural District Reserve	30,000		30,000
Future Needs Reserve	48,297		48,297
Other Post Employment Benefits	250,000		250,000
Capital Improvements	8,654,551	81,245	8,735,796
Ending Balance	15,855,783		15,855,783
Total	\$179,152,997	\$1,591,681	\$180,744,678
City/Federal/State Aid Fund			
Operations	\$2,593,177	\$4,202	\$2,597,379
Ending Balance	0	0	0
Total	\$2,593,177	\$4,202	\$2,597,379
Community Development Block Grant Fund			
Operations	\$904,816	(\$101,444)	\$803,372
Ending Balance	0	0	0
Total	\$904,816	(\$101,444)	\$803,372
HOME Fund			
Operations	\$467,742	(\$46,038)	\$421,704
Ending Balance	0	0	0
Total	\$467,742	(\$46,038)	\$421,704
Asset Forfeiture Fund			
Operations	\$51,268	\$170,116	\$221,384
Ending Balance	0	0	0
Total	\$51,268	\$170,116	\$221,384
Technology Fund			
Operations	\$468,754	\$164,643	\$633,397
Capital Outlay	348,113	296,730	644,843
Ending Balance	1,902,459		1,902,459
Total	\$2,719,326	\$461,373	\$3,180,699
City Capital Projects Fund			
Capital Outlay	\$11,908,494	(\$604,136)	\$11,304,358
Ending Balance	0	0	0
Total	\$11,908,494	(\$604,136)	\$11,304,358

And, BE IT RESOLVED that the funds shall be used as identified in Attachment A.

Introduced:

Adopted:

Certified:

Clerk of Council

**FY 2011 CARRY FORWARD REQUESTS
SUMMARY BY FUND**

	<u>AMOUNT</u>
GENERAL FUND	\$1,591,681
CITY FEDERAL STATE AID FUND	4,202
COMMUNITY DEVELOPMENT BLOCK GRANT FUND	(101,444)
HOME FUND	(46,038)
ASSET FORFEITURE FUND	170,116
TECHNOLOGY FUND	461,373
CITY CAPITAL PROJECTS FUND	<u>(604,136)</u>
TOTALS	\$1,475,754

FY 2011 CARRY FORWARD DETAIL

GENERAL FUND

DEPARTMENT/DIVISION	AMOUNT	PURPOSE
Circuit Court Judge	\$4,376	To purchase furniture for Judge's office. Renovations did not start until mid June.
Parks and Recreation	\$3,305	Funds committed by the Marketing Partnership to be awarded to Non-City sponsored special events and athletic tournaments that will take place in late summer and fall of FY 2012.
Finance/Billings and Collections	\$12,830	To purchase cigarette tax stamps for FY 2012.
Communications and Marketing	\$42,792	To cover the cost of printing and distributing the new Community Handbook, and to fund ongoing marketing related projects including the Central Virginia Gardens publication, website redesign, etc.
City Manager	\$4,353	To continue the Community Dialogue Program.
Parking	\$120,942	To purchase parking management software and hardware.
Fire	\$73,400	To purchase and implement new ambulance reporting software to comply with State regulations.
Police	\$13,968	Allocate to a reserve (committed fund balance) for Public Safety compensation adjustments pending the results of the consultant report.
Juvenile Services	\$20,289	To provide support services for family group decision making to reunite children with families.
Juvenile Services	\$290,185	Allocate unspent Detention Per Diem funds to a reserve (committed fund balance) for future Group Home Facility.

FY 2011 CARRY FORWARD DETAIL

DEPARTMENT/DIVISION	AMOUNT	PURPOSE
Community Development	\$15,000	To conduct a review of the City's Zoning Ordinance; RFP's have been received and are under review.
Community Development	\$8,000	To purchase Aircard Service and vehicle antennas for the MobileTrak software application to allow staff to enter inspections data remotely.
Community Development	\$5,500	To purchase ipads for Planning Commission; projected savings = \$2,300 per year.
Community Development	\$17,455	To fund 3 demolition projects.

Human Resources	\$14,107	To fund first year service fees and implementation of the learning management system.
Human Resources	\$3,435	To deliver outsourced workforce training.
Human Resources - Non-Departmental	\$4,622	Unspent vending machine proceeds for employee recognition events.
Human Resources/Occupational Health	\$5,142	To fund increased frequency of public safety physicals and establish physical assessments for Utilities employees to ensure OSHA compliance.

Reserve for Contingencies	\$700,000	To increase Reserve for Contingencies balance to \$1.2 million as indicated in the FY 2012 Adopted Budget.
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TRANSFERS

Transfer from Library General Fund Operating budget to City Capital Projects Fund	\$10,000	Transfer from General Fund to City Capital Projects Fund to provide matching funds for Friends of the Library fundraising campaign for interior design of a new story time room at the Library. Exterior construction is funded by a donor, and land has been donated by Liberty University.
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Transfer from Information Technology General Fund Operating Budget to Technology Fund	\$150,735	Transfer unspent funds to the Technology Fund per June 2000 Council approved Information Technology Policy.
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FY 2011 CARRY FORWARD DETAIL

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FY 2011 CARRY FORWARD DETAIL

DEPARTMENT/DIVISION	AMOUNT	PURPOSE
Transfer from the General Fund to City Capital Projects Fund	\$71,245	Transfer from General Fund to City Capital Projects Fund for City Hall Second Floor Renovations (\$31,245) from Economic Development and (\$40,000) from Community Development.

GENERAL FUND TOTAL	\$1,591,681	
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CITY/FEDERAL/STATE AID FUND

Commonwealth Attorney	\$4,429	Appropriate additional state funds received for the Victim Witness grant.
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Social Services	(\$15,747)	Amend budget to match grant award for Independent Living grant.
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Social Services	(\$22,000)	Amend budget to match grant award for Independent Living Education grant.
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Fire	\$18,458	Appropriate additional state revenue received for the Fire Programs grant.
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Community Corrections	\$2,000	Appropriate additional state revenue received for the Community Corrections
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Circuit Court Clerk	\$17,062	Appropriate grant funds from the Library of Virginia.
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CITY/FEDERAL/STATE AID FUND TOTAL	\$4,202	
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COMMUNITY DEVELOPMENT BLOCK GRANT FUND	(\$101,444)	Amend budget to reflect grant award.
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HOME FUND	(\$46,038)	Amend budget to reflect grant award.
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ASSET FORFEITURE FUND	\$170,116	Appropriate revenue received for Commonwealth Attorney's Office (\$30,914), and Police Department (\$139,202) expenditures.
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FY 2011 CARRY FORWARD DETAIL

TECHNOLOGY FUND

DEPARTMENT/DIVISION	AMOUNT	PURPOSE
Information Technology - all projects were appropriated in FY 2011; projects took longer than anticipated to	\$69,920	Internet content manager replacement for Lynchburgva.gov website.
	\$30,000	Intranet content manager replacement for Citynotes.
	\$45,000	TrakIt enhancements and mobile technology support.
	\$51,570	Facility related needs, warehouse doors, and conference center equipment.
	\$13,908	User training funds for Office 2010 upgrades.
	\$100,240	Document management for map room and other departments not yet identified.
	\$150,735	Carry forward from the General Fund per June 2000 Council approved Information Technology Policy.

TECHNOLOGY FUND TOTAL	\$461,373	
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CITY CAPITAL PROJECTS FUND

PROJECT	AMOUNT	PURPOSE
Library Story Time Room	\$10,000	Transfer from General Fund to City Capital Projects Fund to provide matching funds for Friends of the Library fundraising campaign for interior design of a new story time room at the Library. Exterior construction is funded by a donor, and land has been donated by Liberty University.
Ivy Creek Park	(\$381)	Amend budget to match VDOT funding for Ivy Creek Park project.
D Street Bridge	(\$785,000)	Rescind Pay-As-You-Go funding for D Street Bridge. Project came in under budget and cash will be used to fund local portion of Kemper Street Bridge project.

FY 2011 CARRY FORWARD DETAIL

DEPARTMENT/DIVISION	AMOUNT	PURPOSE
City Hall Second Floor Renovations	\$171,245	Includes \$71,245 Transfer from General Fund to City Capital Projects Fund for City Hall Second Floor Renovations (\$31,245) from Economic Development and (\$40,000) from Community Development, as well as a \$100,000 contribution from the EDA.
CITY CAPITAL PROJECTS FUND TOTAL	(\$604,136)	



request to speak to council
Leecy Fink to: valeria.chambers

09/07/2011 11:17 AM

Ms. Chambers,

I am requesting permission to speak to the members of Lynchburg City Council on Tuesday, September 13, 2011. I wish to speak on

current parking situation in downtown Lynchburg. I am a business owner downtown.

Leecy Fink

CELEBRATION

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920 Main Street

Lynchburg, VA 24504

434-237-5557

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SEP 07 2011
Council/Manager
Offices

AGENDA ITEM # 14



Council meeting

Andrew to: valeria.chambers@lynchburgva.gov

09/07/2011 11:47 AM

My name is andrew schools and I own the white hart cafe and would love for a chance to speak about the parking situation at the next meeting. Thanks

Sent from my iPhone

RECEIVED
SEP 07 2011

Council/Manager
Offices



Ms. Chambers,

I am requesting permission to speak to the members of Lynchburg City Council on Tuesday, September 13, 2011. I wish to speak on the current parking situation in downtown Lynchburg. I am a business owner downtown.

Tara Cofer

Tresca on 8th

Downtown Lynchburg | 8th on Commerce

www.trescaon8th.com

434.229.8519

Check out one of our weddings featured on Weddings Unveiled



request to speak at council meeting Sept. 13
Shannon Parsons to: valeria.chambers@lynchburgva.gov

09/07/2011 11:51 AM

Andrew W. Childress would like to speak at the council meeting next week. He may be reached at:

achildress@pafflaw.com

434-528-6507

Thank you,

Shannon F. Parsons

Executive Assistant

Law Offices of Ron Feinman, Esq.

801 Main Street, Ste. 702

Lynchburg, Va. 24504

(434) 528-0696

Business, Legacy and Estate Planning :: Asset Protection :: Wealth Counsel

Elder Law and Fiduciary Litigation

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LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 13, 2011**

AGENDA ITEM NO: 16

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Heavy Sewer Equipment Replacement**

RECOMMENDATION: Adopt a resolution to amend the FY 2012 Fleet Fund Budget and appropriate \$691,437 with resources from the Sewer Capital Fund to purchase one replacement Vacuum/Jetter truck and two television inspection trucks destroyed in a recent fire.

SUMMARY: A fire at Utilities destroyed two vacuum/jetter trucks and two television inspection trucks. The cost to replace the two vacuum/jetter trucks is \$623,429. One vacuum/jetter truck was included on the FY 2012 Fleet Replacement List at \$325,000. Funding for the second vacuum/jetter truck (\$298,429) and the two replacement television inspection trucks (\$196,504 each) is in the Sewer Capital Fund and will need to be transferred to the Fleet Fund to cover the replacement cost.

PRIOR ACTION(S): None

FISCAL IMPACT: A one-time transfer of funds from the Sewer Capital Fund to the Fleet Fund of \$691,437 is needed.

CONTACT(S): Tim Mitchell, Director of Utilities, 455-4252

ATTACHMENT(S): Resolution

APPROVED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2012 Fleet Fund Budget is amended and \$691,437 is appropriated with resources from the Sewer Capital Fund to purchase a replacement vacuum/jetter truck along with two replacement television inspection trucks destroyed in a recent fire.

Introduced:

Adopted:

Certified:

Clerk of Council

134L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 13, 2011**

AGENDA ITEM NO.: 17

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Recovery of the expenses incurred by the City when law enforcement, firefighting and emergency medical service personnel respond to accidents caused by driving under the influence and certain other driving offenses

RECOMMENDATION: Adopt an ordinance amending Section 25-169 of the City Code to reflect a recent amendment to the State Code that allows localities to increase the flat fee that can be charged when City law enforcement, firefighting and emergency medical service personnel respond to accidents caused by driving under the influence and certain other driving offenses from \$250.00 to \$350.00.

SUMMARY: In 2001 the General Assembly adopted legislation allowing local governments to adopt ordinances to recover some of the costs incurred when law enforcement, firefighting and emergency medical service personnel respond to accidents caused by driving under the influence. The legislation provided that a locality could bill persons convicted of driving under the influence a flat fee of \$100.00 or a minute-by-minute accounting not to exceed \$1,000.00. On January 29, 2002, City Council adopted Section 25-196 of the City Code which allowed the City to seek reimbursement for the costs incurred in responding to DUI accidents. In 2009 the General Assembly amended the State Code to allow local governments to increase the flat fee that could be charged for responding to DUI accidents from \$100.00 to \$250.00. The amendments to the State Code also allowed localities to seek reimbursement for the costs incurred when law enforcement, firefighting and emergency medical service personnel when responding to accidents resulting from reckless driving, driving without a license or driving with a suspended or revoked license, and improperly leaving the scene of an accident. On September 22, 2009, City Council amended Section 25-169 so the City Code would parallel the amendments to the State Code. In 2010 the General Assembly amended the State Code to allow localities to increase the flat fee from \$250.00 to \$350.00 in order that the reimbursement to localities for the costs incurred in responding to DUI and certain other driving offenses would more accurately reflect the actual costs of providing law enforcement, firefighting and emergency medical services. The Commonwealth Attorney's Office suggested the City consider amending Section 25-169 to increase the flat fee to \$350.00.

PRIOR ACTION(S): On January 29, 2002, City Council first adopted Section 25-196.

On September 22, 2009, City Council amended Section 25-169 to reflect the 2009 amendments to the State Code.

FISCAL IMPACT: Since November of 2009 the courts have ordered flat fee restitutions in 41 cases representing a \$10,250.00 reimbursement to the City. Increasing the flat fee to \$350.00 would have resulted in an additional \$4,100.00 reimbursement to the City.

CONTACT(S): Parks H. Snead, Chief of Police, 455-6104.

ATTACHMENT(S): An ordinance to amend Section 25-169 of the City Code.

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 25-169 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE RECOVERY OF EXPENSES INCURRED WHEN RESPONDING TO DUI AND RELATED INCIDENTS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Section 25-169 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 25-169. Reimbursement of expenses incurred in responding to DUI and related incidents.

(a) Any person convicted of violating any of the following provisions shall at the time of sentencing or in a separate civil action, be liable to the city or to any responding volunteer rescue squad, or both, for restitution of reasonable expenses incurred by the city for responding law enforcement, firefighting, rescue and emergency services, including those incurred by the sheriff's office, or by any volunteer rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation. Any person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the locality or to any responding volunteer fire or rescue squad, or both, for restitution of reasonable expenses incurred by the locality when issuing any related arrest warrant or summons, including the expenses incurred by the sheriff's office of such locality, or by any volunteer rescue squad, or by any combination of the foregoing:

(1) The provisions of Sections 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02, or 46.2-341.24, of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident which required the response of the police, fire or emergency services.

(2) The provisions of Article 7 (Section 46.2-852 et seq.) of Chapter 8 of Title 46.2, of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, relating to reckless driving, when such reckless driving is the proximate cause of the accident which required the response of the police, fire or emergency services.

(3) The provisions of Article 1 (Section 46.2-300 et seq.) of Chapter 3 of Title 46.2, of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, relating to driving without a license or driving with a suspended or revoked license, which required the response of the police, fire or emergency services.

(4) The provisions of Section 46.2-894, of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, relating to improperly leaving the scene of an accident which required the response of the police, fire or emergency services.

(b) Personal liability under this section for reasonable expenses of an appropriate emergency response pursuant to subsection (a) shall not exceed \$1,000 in the aggregate for a particular accident, arrest, or incident. In determining the "reasonable expense," the city or volunteer rescue squad may bill a flat fee of three ~~two~~ hundred and fifty dollars (\$350.00~~250.00~~) or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and emergency medical services. The court may order as restitution the reasonable expenses incurred by the locality for responding law enforcement, fire-fighting, rescue and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the locality or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving or operation of a vehicle or other conduct as set forth herein.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council